

Message

From: Bodine, Susan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8C2CC6086FCC44C3BE6B5D32B262D983-BODINE, SUS]
Sent: 10/10/2017 9:31:30 PM
To: Brown, Byron [brown.byron@epa.gov]; Davis, Patrick [davis.patrick@epa.gov]; Fotouhi, David [fotouhi.david@epa.gov]
Subject: RE: Farm Emissions

I thought the guidance did not go to OMB, only the Q&A.

Deliberative Process / Ex. 5

Patrick, do you have an updated version?

From: Brown, Byron
Sent: Tuesday, October 10, 2017 5:28 PM
To: Davis, Patrick <davis.patrick@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>
Subject: Farm Emissions

Just wanted to clarify whether we have issued the draft guidance for calculating emissions (attached), and if not when we expect to release it. And separately would like to confirm that the draft we sent to OMB is the EPCRA interpretive rule/guidance on routine agricultural operations. Any idea on timing – whether that will get released before Nov. deadline. Thanks.

Byron R. Brown
Deputy Chief of Staff for Policy
Office of the Administrator
U.S. Environmental Protection Agency

Message

From: Gioffre, Patricia [Gioffre.Patricia@epa.gov]
Sent: 1/29/2018 4:44:10 PM
To: Mayer, Eileen [Mayer.Eileen@epa.gov]
CC: Jennings, Kim [Jennings.Kim@epa.gov]; Jacob, Sicy [Jacob.Sicy@epa.gov]; Thomas, Latosha [Thomas.Latosha@epa.gov]
Subject: RE: Website Revisions to Make Today
Attachments: Website revisions 1-29-18_redline.docx; Website revisions 1-29-18.docx

A few edits in track changes. If you are OK with these, we can send the clean version (also attached) to Nancy.

Patty Gioffre
US EPA/OLEM/OEM
202-564-1972
202-748-7139 (cell)

[Follow OLEM](#) on Twitter @EPALand

From: Mayer, Eileen
Sent: Monday, January 29, 2018 10:28 AM
To: Gioffre, Patricia <Gioffre.Patricia@epa.gov>
Cc: Jennings, Kim <Jennings.Kim@epa.gov>; Jacob, Sicy <Jacob.Sicy@epa.gov>; Thomas, Latosha <Thomas.Latosha@epa.gov>
Subject: RE: Website Revisions to Make Today

I included the link below. All of the changes are at that link.

Eileen M. Mayer
Web Editor-in-Chief ([EPCRA](#), [RMP](#), [Oil Spills Regulations](#), and [Emergency Response](#))
Office of Emergency Management
U.S. Environmental Protection Agency
202-564-9628

From: Gioffre, Patricia
Sent: Monday, January 29, 2018 10:18 AM
To: Mayer, Eileen <Mayer.Eileen@epa.gov>
Cc: Jennings, Kim <Jennings.Kim@epa.gov>; Jacob, Sicy <Jacob.Sicy@epa.gov>; Thomas, Latosha <Thomas.Latosha@epa.gov>
Subject: RE: Website Revisions to Make Today

What is the link? I clicked on the previous link but it doesn't include all the changes.

Patty Gioffre
US EPA/OLEM/OEM

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[Follow OLEM on Twitter @EPALand](#)

From: Mayer, Eileen
Sent: Monday, January 29, 2018 10:08 AM
To: Gioffre, Patricia <Gioffre.Patricia@epa.gov>
Cc: Jennings, Kim <Jennings.Kim@epa.gov>; Jacob, Sicy <Jacob.Sicy@epa.gov>; Thomas, Latosha <Thomas.Latosha@epa.gov>
Subject: RE: Website Revisions to Make Today

The draft page has been updated. Feel free to pass it along to Nancy.

Go to: <https://wcms.epa.gov/user>

Login with your LAN ID and Password, then click the link to the draft page:
<https://wcms.epa.gov/node/189743/revisions/634501/view>

Eileen M. Mayer
Web Editor-in-Chief ([EPCRA](#), [RMP](#), [Oil Spills Regulations](#), and [Emergency Response](#))
Office of Emergency Management
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202-564-9628

From: Gioffre, Patricia
Sent: Monday, January 29, 2018 9:53 AM
To: Mayer, Eileen <Mayer.Eileen@epa.gov>
Cc: Jennings, Kim <Jennings.Kim@epa.gov>; Jacob, Sicy <Jacob.Sicy@epa.gov>; Thomas, Latosha <Thomas.Latosha@epa.gov>
Subject: RE: Website Revisions to Make Today

Also, I'm looking over my notes from Friday's meeting on this and I think we agreed to send the revised website to Nancy Grantham. Let me know when you are done making the changes and we should plan to send those to Nancy.

Patty Gioffre
US EPA/OLEM/OEM
202-564-1972
202-748-7139 (cell)

[Follow OLEM on Twitter @EPALand](#)

From: Mayer, Eileen
Sent: Monday, January 29, 2018 8:33 AM
To: Gioffre, Patricia <Gioffre.Patricia@epa.gov>

Cc: Jennings, Kim <Jennings.Kim@epa.gov>; Jacob, Sicy <Jacob.Sicy@epa.gov>; Thomas, Latosha <Thomas.Latosha@epa.gov>

Subject: RE: Website Revisions to Make Today

OK. No problem.

Eileen M. Mayer
Web Editor-in-Chief (EPCRA, RMP, Oil Spills Regulations, and Emergency Response)
Office of Emergency Management
U.S. Environmental Protection Agency
202-564-9628

From: Gioffre, Patricia
Sent: Monday, January 29, 2018 8:32 AM
To: Mayer, Eileen <Mayer.Eileen@epa.gov>
Cc: Jennings, Kim <Jennings.Kim@epa.gov>; Jacob, Sicy <Jacob.Sicy@epa.gov>; Thomas, Latosha <Thomas.Latosha@epa.gov>
Subject: RE: Website Revisions to Make Today

Great. Please don't make it live just yet. I want to get feedback on privacy q&a. Will give noon as a deadline for a response from others.

Patty Gioffre
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From: Mayer, Eileen
Sent: Monday, January 29, 2018 8:17 AM
To: Gioffre, Patricia <Gioffre.Patricia@epa.gov>
Cc: Jennings, Kim <Jennings.Kim@epa.gov>; Jacob, Sicy <Jacob.Sicy@epa.gov>; Thomas, Latosha <Thomas.Latosha@epa.gov>
Subject: RE: Website Revisions to Make Today

OK. Sounds good. I'll start making the revisions.

Eileen M. Mayer
Web Editor-in-Chief (EPCRA, RMP, Oil Spills Regulations, and Emergency Response)
Office of Emergency Management
U.S. Environmental Protection Agency
202-564-9628

From: Gioffre, Patricia
Sent: Monday, January 29, 2018 8:15 AM
To: Mayer, Eileen <Mayer.Eileen@epa.gov>
Cc: Jennings, Kim <Jennings.Kim@epa.gov>; Jacob, Sicy <Jacob.Sicy@epa.gov>; Thomas, Latosha <Thomas.Latosha@epa.gov>
Subject: Website Revisions to Make Today

Attorney Client / Ex. 5

Attorney Client / Ex. 5

Call me if you have any questions.

Nancy Grantham is aware that we want to make changes to the website today (based on a meeting Friday with Barry). I believe Matt Colip was also in that meeting, so hopefully that should help expedite the process.

Deliberative Process / Ex. 5

Finally, as a heads up, we may also hear from the court today on a decision to delay the mandate and I'll let you know as soon as we hear something.

Deliberative Process / Ex. 5

I'm working at home today. My office phone should forward to my cell.

Patty Gioffre
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CERCLA and EPCRA Reporting Requirements for Air Releases of Hazardous Substances from Animal Waste at Farms

- [Updates](#)
- [Overview](#)
- [Reporting Exemption and Resulting Litigation](#)
- [Purpose](#)
- [Frequent Questions](#)
 - [Reporting Requirements](#)
 - [How to Report](#)
 - [Emissions](#)
- [Resources](#)

Attention!

On January 19, 2018, EPA filed a motion with the D.C. Circuit Court of Appeals to further delay issuance of the mandate. No reporting is required until the Court issues its order, or mandate, enforcing its decision to eliminate the reporting exemptions for farms. The resources below are being updated for accuracy.

Updates

NEW This webpage has been revised to improve the organization of this guidance. The following new Frequent Questions have been added:

- [Why do I need to report?](#)
- [Why can't EPA tell me how many animals require reporting?](#)
- [How will EPA protect my personal information?](#)

Commented [GP1]: Hyperlink these.

NEW On Friday, January 19, 2018, EPA filed a motion with the D.C. Circuit Court of Appeals to further delay issuance of the mandate. No reporting is required until the Court issues its order, or mandate, enforcing its decision to eliminate the reporting exemptions for farms. The resources below are being updated for accuracy. (Current as of January 29, 2018).

NEW [Fact sheet: CERCLA and EPCRA Reporting Requirements for Air Releases of Hazardous Substances from Animal Waste at Farms](#)

NEW To expedite your initial continuous release notification to the National Response Center, you may use the temporary email option. This option avoids potential large call volumes and delays. It allows one email notification for owners/operators with multiple farms. The email address is: farms@uscg.mil.

Overview

Two environmental laws, the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and Emergency Planning and Community Right-to-Know Act (EPCRA), require reporting of releases of a hazardous substance that exceeds a reportable quantity within a 24-hour period. The purpose of the notification is for federal, state, and local officials to evaluate the need for an emergency response to mitigate the effects of the release to the community.

For Our Outreach Partners

An information toolkit has been developed to assist your outreach efforts. Please see: [Online Resources for CERCLA and EPCRA Air Emissions from Agriculture.](#)

Due to a recent court decision, some farms (including ranches, livestock operations and/or animal operations) will soon be required to report hazardous substance air releases from animal waste under CERCLA.

Reporting Exemption for Animal Waste and Resulting Litigation

On December 18, 2008, EPA published a final rule that exempted most farms from certain release reporting requirements in CERCLA and EPCRA. Specifically, the rule exempted farms releasing hazardous substances from animal waste to the air above threshold levels from reporting under CERCLA. For EPCRA reporting, the rule exempted reporting of such releases if the farm had fewer animals than a large concentrated animal feeding operation (CAFO).

In short, all farms were relieved from reporting hazardous substance air releases from animal waste under CERCLA, and only large CAFOs were subject to EPCRA reporting.

A number of citizen groups challenged the validity of the final rule in the U.S. Court of Appeals for the District of Columbia Circuit. On April 11, 2017, the Court struck down the final rule, eliminating the reporting exemptions for farms. EPA sought additional time from the Court to delay the effective date so that EPA could develop guidance materials to help farmers understand their reporting obligations.

No reporting is required until the Court issues its order, or mandate, enforcing the April 11, 2017, decision. EPA will update this guidance to provide farmers with notice of when the mandate issues and reporting requirements begin. Please check this website frequently. **Once the mandate is issued, farms should submit an initial continuous release notification to the National Response Center for qualifying releases that occur within a 24-hour period.**

[Top of Page](#)

Purpose

EPA developed this interim guidance to assist farms in complying with requirements to report air releases of hazardous substances from animal waste under CERCLA and EPCRA. EPA welcomes comments and suggestions from the regulated community and the public on these resources and other additional resources that should be included here. Please email comments or suggestions to: CERCLA103.guidance@epa.gov. EPA will revise this guidance, as necessary, to reflect additional information to assist farm owners and operators to meet reporting obligations.

[Top of Page](#)

Frequent Questions

Questions?

For compliance assistance, please call the EPCRA, RMP & Oil Information Center at: 1-800-424-9346.

Reporting Requirements

- [EPCRA Reporting Requirements](#)
- [General CERCLA Requirements](#)
- [Previous Reporting](#)
- [Other Circumstances](#)

EPCRA Reporting Requirements

Do I need to submit an EPCRA report?

EPA interprets the statute to exclude farms that use substances in “routine agricultural operations” from reporting under EPCRA section 304. This encompasses routine operations at farms, animal feeding operations, nurseries, other horticultural operations, and aquaculture. For more information, see: [EPCRA Q&A](#). EPA intends to conduct a rulemaking to clarify its interpretation of “used in routine agricultural operations” as it pertains to EPCRA reporting requirements.

[Top of Page](#)

General CERCLA Requirements

NEW Why do I need to report?

Previously, EPA exempted farms from reporting hazardous substance air releases from animal waste under CERCLA, and only large concentrated animal feeding operations (CAFOs) were subject to EPCRA reporting, which is a separate but related law.

Citizen groups challenged the validity of EPA's rule, and the U.S. Court of Appeals for the DC Circuit struck down EPA's rule on April 11, 2017. Therefore, EPA's regulatory exemption will no longer apply once the court's ruling takes effect. As a result of the Court decision, farms with animal operations that release certain amounts of hazardous substances will be required to report these air emissions.

When do I need to report?

The Court is expected to issue its mandate on January 29, 2018. Farms do not have to report until the Court issues its mandate.

Once the mandate is issued, farms releasing hazardous substances to air from animal wastes, equal to or greater than their reportable quantities, within any 24-hour period, must notify the NRC. For farms with continuous releases this can be done by "continuous release reporting."

See: [How do I report for CERCLA?](#)

For compliance assistance, please call the EPCRA, RMP & Oil Information Center at: 1-800-424-9346.

Do I need to submit a CERCLA report?

Reporting is required when releases of hazardous substances (like ammonia or hydrogen sulfide) from animal waste meet or exceed their reportable quantities within a 24-hour period. For a complete list of CERCLA hazardous substances, please see: [Resources](#).

What substances need to be reported?

Ammonia (NH₃) and hydrogen sulfide (H₂S) are common hazardous substances emitted from animal waste that require reporting if released to the air in amounts greater than or equal to their reportable quantity of 100 lbs within a 24-hour period. If a farm releases any other hazardous substances above their designated reportable quantities within a 24-hour period, those need to be reported as well.

How do I report for CERCLA?

To comply with CERCLA reporting requirements for air releases of hazardous substances from animal waste, instead of reporting every day, farms may follow a streamlined reporting process known as "continuous release reporting." This requires the facility owner or operator to:

- Notify the NRC. This may be done by [email](mailto:farms@uscg.mil) (farms@uscg.mil). Please identify your reportable release as an **"initial continuous release notification."**

- Submit an initial written notification to the [EPA Regional Office](#); and
- One year later submit an additional follow-up written notification to the [EPA Regional Office](#).

Email should be used by farms for the initial continuous release notification. For other types of releases, please call the NRC at 1-800-424-8802.

For compliance assistance, please call the EPCRA, RMP & Oil Information Center at: 1-800-424-9346.

Who do I notify if I need to report?

You must [immediately notify the NRC](#) when you have a release of any CERCLA hazardous substance at or above its reportable quantity within any 24-hour period. However, there is an [exception](#) for the normal application of fertilizers or the handling, storage or application of pesticide products. See: [Do I have to report when I apply fertilizers or pesticides to crops?](#)

Do I have to notify the NRC every time my emissions exceed the reportable quantity in a 24-hour period?

No. If your farm has releases that are continuous and stable in quantity and rate, you can follow a streamlined reporting process known as “continuous release reporting.” EPA considers emissions from animal waste to be continuous and stable in quantity and rate, and therefore eligible for this streamlined reporting option.

For more information on the regulation and guidance for continuous release reporting requirements, see: [Resources](#).

Can I request an extension?

No, CERCLA section 103 requires the facility owner or operator to immediately notify the NRC of a reportable release of a hazardous substance.

The one exception is for farm owners/operators participating in the Agency’s Animal Feeding Operation Air Compliance Agreement, and that are in compliance with their Agreements. For more information, see: [Do I have to report if I am participating in the EPA’s Animal Feeding Operation Air Compliance Agreement?](#)

Are there additional continuous release reporting requirements?

There are two additional types of continuous release reporting requirements:

- statistically significant increase notification and
- notification of changes to previously submitted continuous release information.

You must immediately notify the NRC of any statistically significant increases or of a change in previously submitted release information. This is most likely to be triggered by:

- an increase in the number of animals maintained on the farm (beyond the range used for the initial report) or
- a significant change (or disruption) in waste handling systems or procedures.

This is an ongoing requirement.

What is a statistically significant increase?

A statistically significant increase is an episodic release of a hazardous substance that exceeds the release quantity described in the upper bound of the normal range of the facility's continuous release report. The normal range includes all releases of a hazardous substance (from all sources at the facility) occurring over any 24-hour period under normal operating conditions during the preceding year.

Only those releases that are both continuous and stable in quantity and rate may be included in the normal range.

[Top of Page](#)

Previous Reporting

A farm owner/operator filed the continuous release and one-time anniversary report to comply with CERCLA section 103 for their facility before the 2008 exemption. If the information is still valid, do they have to file again?

No, if there have been no SSI in emissions or other changes to the report filed before 2008, then the farm owner/operator need not submit another report.

If a farmer made an initial notification to the NRC before the court issued the mandate, when do they need to submit a written report to the EPA regional office?

For those farmers who have already made their initial continuous release notification, the farmer may wait to submit the written report until the court issues the mandate. Within 30 days of the court mandate, the farmer must submit a written report to the EPA regional office. No additional call or email to the NRC is required.

[Top of Page](#)

Other Circumstances

Do I have to report when I apply fertilizers or pesticides to crops?

No, farm owners/operators do not need to report the normal application of fertilizers (including normal application of manure as a fertilizer) or the handling, storage or application of pesticide products registered under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). However, under Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) section 103, any spills or accidents involving these substances must be immediately reported to the NRC when they meet or exceed the reportable quantity.

Do I have to report if I am participating in the EPA's Animal Feeding Operation Air Compliance Agreement?

At this time, farm owners/operators in compliance with their Animal Feeding Operation Air Compliance Agreement ([70 FR 4958](#)) are not expected to report air releases of hazardous substances from animal wastes under CERCLA and EPCRA. Per their Agreement, participants must report air releases of hazardous substances equal to or exceeding the hazardous substances' reportable quantities under CERCLA when EPA completes the National Air Emissions Monitoring Study.

For additional information on EPCRA reporting, see: [EPCRA Q&A](#).

Do farms that have animals that reside primarily outside of an enclosed structure and graze on pastures, need to comply with reporting releases of hazardous substances from animal wastes under CERCLA?

Yes, if the facility has releases above the reportable quantity. EPA considers all contiguous property under common ownership to be a single facility for reporting purposes. For purposes of determining whether you have a reportable release, a person must identify all of the sources of hazardous substances releases, identify the quantities that are emitted from each source, and aggregate the quantities released for the facility. In making this determination, farms should include all releases from the facility, including releases from animal waste due to animals that reside primarily outside of an enclosed structure.

[Top of Page](#)

How to Report

How do I report a continuous release under Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA)?

You may follow these steps to report air emissions from animal wastes (e.g. ammonia and hydrogen sulfide releases):

Step 1:

Notify the NRC. For the purposes of this initial continuous release notification, please email the NRC at: farms@uscg.mil. The [email](#) must clearly state this is an "initial continuous release notification."

Due to the potential for large call volumes to the NRC an email notification will expedite your notification and will help to avoid expected long hold delays once reporting for farmers begins. An email notification should also help ensure that other types of emergency calls which may require immediate attention are expeditiously received by the NRC and not held up by call delays or system crashes. EPA and the NRC consider an email notification, in this instance, sufficient to comply with the immediate notification requirement for a continuous release under CERCLA section 103.

In order to qualify as a continuous release notification, please note in the subject line of the e-mail that this is an **“initial continuous release notification.”**

Include the following in your email (farms@uscg.mil):

- Name of the farm;
- Location of the farm (e.g., name of city/town and state);
- Name(s) of the hazardous substance(s) released.

You can submit information for multiple facilities (i.e., farms) in one email (farms@uscg.mil).

Note: The NRC does not require personally identifiable information, such as an address for a private residence. As an alternative, a generic location (such as name of city/town and state) may be sufficient.

You will receive an automatic response email from the NRC with a single identification number (CR-ERNS) for your farm(s). Include the CR-ERNS number on the follow-up written notification report that goes to your EPA Regional Office discussed in Step 2 below. The single CR-ERNS number provided should be used for each facility included in the email.

It may take some time to receive the automated notice from the NRC, so please be patient. Also, check your email's spam or junk folders before attempting to send your email again.

For compliance assistance, please call the EPCRA, RMP & Oil Information Center at: 1-800-424-9346.

Step 2: Submit an initial written notification to the EPA Regional Office.

Submit an initial written notification to the EPA Regional Office for the area where the release occurs, within 30 days of the call to the NRC. Note: Unlike the initial continuous release notification, each facility needs to submit a separate continuous release reporting form.

Farms can use this continuous release reporting form to provide the initial written notification. *Please note that this continuous release form is intended for multiple sectors and provides directions to send information to the EPA Regional Offices and to LEPCs and SERCs. **Farms not***

reporting under the Emergency Planning and Community Right-to-Know Act (EPCRA) should not send information to the LEPCs and SERCs.

EPA is developing a streamlined continuous release reporting form for farm facility owners and operators and plans to make this form available once it is finalized.

Step 3: A one-time first anniversary follow-up report to the EPA Regional Office.

Within 30 days of the first anniversary date of the initial written notification (i.e., the first continuous release report), the person in charge of the farm must submit a one-time anniversary report to the EPA Regional Office. The farm owner/operator must verify and update the information initially submitted for each of the hazardous substances reported to the NRC and to the EPA Regional Office. This follow-up report should be re-certified by the person in charge of the farm.

EPA's guide Reporting Requirements for Continuous Releases of Hazardous Substances includes forms to assist you with developing written reports. The guide provides an overview of the information required for the initial and first anniversary follow-up reports.

If I have multiple facilities (i.e., farms), can I make one notification that addresses all of my facilities?

In making your initial notification, you can submit information for multiple facilities in one email (farms@uscg.mil). List the name and location of each farm, as well as the associated name(s) of hazardous substance(s) released. However, if you are calling the NRC, then you can only provide one report per phone call. For the follow-up written notification to EPA, each facility should be reported separately.

You will receive an automatic response email from the NRC with a single identification number (CR-ERNS) for your farm(s). Include the CR-ERNS number on the follow-up written notification report that goes to your EPA Regional Office discussed in Step 2 above. The single CR-ERNS number provided should be used for each facility included in the email.

How will EPA protect my personal information?

EPA takes privacy concerns seriously, and the Agency protects personally identifiable information (PII) in a manner that is consistent with the law. There are several laws that may protect personal information including the Freedom of Information Act (FOIA), the E-Government Act of 2002, and the Federal Information Security Modernization Act of 2014. In accordance with these laws, EPA has procedures in place to protect certain PII from unauthorized disclosure.

When responding to FOIA requests for information, EPA carefully evaluates the information to determine whether that information should be withheld under FOIA Exemption 6. To

determine whether Exemption 6 applies, EPA is required to weigh the privacy interests of an individual against the public interest of disclosure. If the privacy interest outweighs the public interest, the information will be withheld. For more information about privacy, see: [EPA's Implementation of the Privacy Act](#).

For information on FOIA exemptions, see: [Freedom of Information Act Exemptions](#).

[Top of Page](#)

Emissions

How do I estimate the releases for reporting?

To help you comply with the reporting requirements, EPA has made [resources](#) available that may be helpful in estimating emissions of ammonia and/or hydrogen sulfide. You may also use other models for estimating emissions or you may estimate quantities of releases by relying on:

- Past release data;
- Engineering estimates;
- Your knowledge of the facility's operations and release history; or
- Your best professional judgment.

Facility owners and operators are required to report an estimate only - monitoring data is not required. Additionally, farmers are not required to reduce emissions. Farmers should keep a copy of the calculation for future reference.

CERCLA section 103 allows "continuous releases" to be reported in ranges. EPA understands that farmers may need to report their releases in broad ranges that reflect the high degree of uncertainty and variability of these releases.

NEW Why can't EPA tell me how many animals require reporting?

EPA recognizes that it will be challenging for farmers to estimate releases from animal wastes because there is no generally accepted methodology for estimating these emissions at this time.

Many factors influence emissions:

- geographic location;
- environmental conditions;
- management practices (e.g. feed, manure);
- animal characteristics (e.g. number, species, life stage);
- operating conditions; and
- general management practices.

Due to the complex interactions of these factors, emissions cannot be standardized based solely on the number and type of animals at each animal operation. For example, there are many scenarios when operations with fewer animals will have higher emissions than operations with greater numbers of the same species of animals.

EPA is working on developing methodologies to estimate emissions from a wide variety of operations and thus better inform emission estimates from animal waste. However, that work will not be completed prior to the Court's mandate that farms report.

How often do I need to estimate emissions?

If you use the continuous release reporting process, you need to review emissions from the farm once a year. You should also estimate emissions following any significant changes in operations that may result in statistically significant increases in emissions. You'll also need to report any statistically significant increases in emissions.

How can I reduce emissions?

Farmers are not required to reduce emissions. For farmers that want to reduce emissions, EPA and United States Department of Agriculture (USDA) developed a [reference guide](#) that provides options for improving air quality from livestock and poultry operations. The guide provides a compilation of conservation measures for reducing air pollutant emissions and/or reducing air quality impacts from livestock and poultry operations.

[Top of Page](#)

Resources

- **NEW** [Fact sheet: CERCLA and EPCRA Reporting Requirements for Air Releases of Hazardous Substances from Animal Waste at Farms](#)
- Email comments or suggestions on guidance materials to: CERCLA103.guidance@epa.gov
- [EPA Regional Contacts](#)
- [Continuous Release Reporting Form](#)
- National Response Center: 800-424-8802 or farms@uscg.mil
- EPCRA, RMP & Oil Information Center at: 1-800-424-9346 Monday through Friday 10 am to 5 pm EST, (excluding Federal holidays)
- Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Regulation [40 CFR part 302](#) - Designation, Reportable Quantities, and Notification
- Additional Guidance: [Reporting Requirements for Continuous Releases of Hazardous Substances](#)

Emission Estimates

Farm owners/operators may consider any of the resources provided in this section (or any other studies available to you) for estimating releases. You can also coordinate with your trade associations or the land-grant universities in your area (see Appendix A.3: List of AFO Air Quality Programs & Land-Grant Universities available in [reference guide](#)).


You may establish estimated quantities of releases by relying on:

- past release data,
- engineering estimates,
- your knowledge of the facility's operations and release history, or
- your best professional judgment.

Monitoring data is not required. Additionally, farmers are not required to reduce emissions. Farmers should keep a copy of the calculation for future reference.

Disclaimer: This listing does not constitute EPA endorsement. These are provided solely as available resources for farms to use while EPA finalizes its methodologies for estimating air emissions of ammonia and hydrogen sulfide from animal wastes. Farms may use any other approaches that are available to develop these estimates.


Dairy Operations

To estimate ammonia and hydrogen sulfide emissions from dairy operations, see: [Dairy Report worksheet](#) (3 pp, 87 K, [About PDF](#)) (go to page 3) . Emission estimates are inclusive of ammonia emissions from animal pen surfaces and the runoff holding pond(s). Ammonia emission rates vary between summer and winter months. The worksheet indicates that hydrogen sulfide levels are fairly stable throughout the year.

Although the Dairy Report includes a draft letter and template for continuous release reports for dairy operations, please use the [continuous release reporting form](#).

(Source: These emission estimates are based on research data collected by Texas AgriLife Research, Texas AgriLife Extension Service, Texas A&M University, USDA-Agricultural Research Service, and West Texas A&M University.)

Swine operations

To estimate ammonia and hydrogen sulfide emissions from swine operations, see: [Swine Report worksheet](#) (4 pp, 91 K, [About PDF](#)) (go to page 3) . The worksheet considers typical confinement housing and manure storages that are located in a temperate climate. Emission rates are provided for shallow and deep storage pits.

Although the Swine Report worksheet includes a draft letter and template for continuous release reports for swine operations, please use the [continuous release reporting form](#).

(Source: The emissions estimates are derived from research reported by:

Gay, S.W., D.R. Schmidt, C.J. Clanton, K.A. Janni, L.D. Jacobson, S. Weisberg. 2003. Odor, Total Reduced Sulfur and Ammonia Emissions from Animal Housing Facilities and Manure Storage Units in Minnesota. *Applied Engineering in Agriculture*, 19(3) 347-360, ASABE, St. Joseph, MI. and:

Jacobson, L.D., A.J. Heber, S.J. Hoff, Y. Zhang, D.B. Beasley, J.A. Koziel, and B.P. Hetchler. 2006. *Aerial Pollutants Emissions from Confined Animal Buildings. Summary report, Ag Air Workshop, USDA-IFAFS research and demonstration program.*) This study indicates that these values are a good faith estimate of emissions from swine operations using typical confinement housing and manure storages and located in a temperate climate.)

Poultry Operations

[Ammonia and Hydrogen Sulfide Emission Rates for Poultry Operations](#) (3 pp, 36 K, [About PDF](#))

provides ammonia and hydrogen sulfide emission rates for poultry operations, including broilers, laying hens and turkeys. This study lists emission rates for various housing type for each species. It also includes instructions for using the emission rates to calculate emissions for these substances, as well as examples on calculating emissions.

(Source: Hongwei Xin, Robert Burns, and Hong Li. January 2009. *Ammonia (NH₃) and Hydrogen Sulfide (H₂S) Emission Rates for Poultry Operations*. *Agricultural and Biosystems Engineering Dept., Iowa State University, Ames, Iowa.*)

General emission estimates for ammonia from beef, dairy, horse, swine, poultry operations

An [ammonia emissions estimator](#) (2 pp, 15 K, [About PDF](#)) is available for beef, dairy, horse, poultry (broiler, turkey, and ducks), and swine. This study was completed by the University of Nebraska on ammonia losses from animal housing facilities in various conditions (i.e. open dirt lots, on cool and humid days) for different species. Example ammonia emissions estimator worksheets are available for swine and cattle:

- [Swine example](#) (2 pp, 31 K, [About PDF](#)) for calculating emissions of ammonia for a farm that houses 5,000 swine.
- [Cattle example](#) (2 pp, 33 K, [About PDF](#)) for calculating emissions of ammonia for a beef feedlot with 1,000 head of cattle.

(Source: Rick Stowell and Rick Koelsch, University of Nebraska.)

A summary of the resources above are included in the following table: The following links exit the site

Resources for Emissions Estimates

Type	Ammonia	Hydrogen Sulfide	Inputs
Beef	Ammonia emissions estimator (2 pp, 31 K, About PDF) Cattle example (2 pp,33 K, About PDF)	--	- Number of animals - Animal housing - Manure storage
Dairy	Dairy Report worksheet (3 pp, 87 K, About PDF) (see page 3)	Dairy Report worksheet (3 pp, 87 K, About PDF) (see page 3)	- Number of animals - Season
	Ammonia emissions estimator (2 pp, 16 K, About PDF)	--	- Number of animals - Animal housing - Manure storage
Swine	Swine Report worksheet (4 pp, 91 K, About PDF) (see page 3)	Swine Report worksheet (4 pp, 91 K, About PDF) (see page 3)	- Number of swine - Facility type - Manure system
	Ammonia emissions estimator (2 pp, 16 K, About PDF) Swine example (2 pp, 31 K, About PDF)	--	- Number of animals - Animal housing - Manure storage
Poultry	Ammonia and Hydrogen Sulfide Emission Rates for Poultry Operations (3 pp, 36 K, About PDF)	Ammonia and Hydrogen Sulfide Emission Rates for Poultry Operations (3 pp, 36 K, About PDF)	- Number of animals - Poultry type - Housing type

Resources for Emissions Estimates

Type	Ammonia	Hydrogen Sulfide	Inputs
	Ammonia emissions estimator (2 pp, 16 K, About PDF)	--	<ul style="list-style-type: none"> - Number of animals - Animal housing - Manure storage
Horse	Ammonia emissions estimator (2 pp, 16 K, About PDF)	--	<ul style="list-style-type: none"> - Number of animals - Animal housing - Manure storage

[Top of Page](#)

CERCLA and EPCRA Reporting Requirements for Air Releases of Hazardous Substances from Animal Waste at Farms

- [Updates](#)
- [Overview](#)
- [Reporting Exemption and Resulting Litigation](#)
- [Purpose](#)
- [Frequent Questions](#)
 - [Reporting Requirements](#)
 - [How to Report](#)
 - [Emissions](#)
- [Resources](#)

Attention!

On January 19, 2018, EPA filed a motion with the D.C. Circuit Court of Appeals to further delay issuance of the mandate. No reporting is required until the Court issues its order, or mandate, enforcing its decision to eliminate the reporting exemptions for farms. The resources below are being updated for accuracy.

Updates

NEW This webpage has been revised to improve the organization of this guidance. The following nNew Frequent Questions have been added-as well:

- [Why do I need to report?](#)
- [Why can't EPA tell me how many animals require reporting?](#)
- [How will EPA protect my personal information?](#)

Commented [GP1]: Hyperlink these.

NEW On Friday, January 19, 2018, EPA filed a motion with the D.C. Circuit Court of Appeals to further delay issuance of the mandate. No reporting is required until the Court issues its order, or mandate, enforcing its decision to eliminate the reporting exemptions for farms. The resources below are being updated for accuracy. (Current as of January 29, 2018).

NEW [Fact sheet: CERCLA and EPCRA Reporting Requirements for Air Releases of Hazardous Substances from Animal Waste at Farms](#)

NEW To expedite your initial continuous release notification to the National Response Center, you may use the temporary email option. This option avoids potential large call volumes and delays. It allows one email notification for owners/operators with multiple farms. The email address is: farms@uscg.mil.

Overview

Two environmental laws, the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and Emergency Planning and Community Right-to-Know Act (EPCRA), require reporting of releases of a hazardous substance that exceeds a reportable quantity within a 24-hour period. The purpose of the notification is for federal, state, and local officials to evaluate the need for an emergency response to mitigate the effects of the release to the community.

For Our Outreach Partners

An information toolkit has been developed to assist your outreach efforts. Please see: [Online Resources for CERCLA and EPCRA Air Emissions from Agriculture.](#)

Due to a recent court decision, some farms (including ranches, livestock operations and/or animal operations) will soon be required to report hazardous substance air releases from animal waste under CERCLA.

Reporting Exemption for Animal Waste and Resulting Litigation

On December 18, 2008, EPA published a final rule that exempted most farms from certain release reporting requirements in CERCLA and EPCRA. Specifically, the rule exempted farms releasing hazardous substances from animal waste to the air above threshold levels from reporting under CERCLA. For EPCRA reporting, the rule exempted reporting of such releases if the farm had fewer animals than a large concentrated animal feeding operation (CAFO).

In short, all farms were relieved from reporting hazardous substance air releases from animal waste under CERCLA, and only large CAFOs were subject to EPCRA reporting.

A number of citizen groups challenged the validity of the final rule in the U.S. Court of Appeals for the District of Columbia Circuit. On April 11, 2017, the Court struck down the final rule, eliminating the reporting exemptions for farms. EPA sought additional time from the Court to delay the effective date so that EPA could develop guidance materials to help farmers understand their reporting obligations.

No reporting is required until the Court issues its order, or mandate, enforcing the April 11, 2017, decision. EPA will update this guidance to provide farmers with notice of when the mandate issues and reporting requirements begin. Please check this website frequently. **Once the mandate is issued, farms should submit an initial continuous release notification to the National Response Center for qualifying releases that occur within a 24-hour period.**

[Top of Page](#)

Purpose

EPA developed this interim guidance to assist farms in complying with requirements to report air releases of hazardous substances from animal waste under CERCLA and EPCRA. EPA welcomes comments and suggestions from the regulated community and the public on these resources and other additional resources that should be included here. Please email comments or suggestions to: CERCLA103.guidance@epa.gov. EPA will revise this guidance, as necessary, to reflect additional information to assist farm owners and operators to meet reporting obligations.

[Top of Page](#)

Frequent Questions

Questions?

For compliance assistance, please call the EPCRA, RMP & Oil Information Center at: 1-800-424-9346.

Reporting Requirements

- [EPCRA Reporting Requirements](#)
- [General CERCLA Requirements](#)
- [Previous Reporting](#)
- [Other Circumstances](#)

EPCRA Reporting Requirements

Do I need to submit an EPCRA report?

EPA interprets the statute to exclude farms that use substances in “routine agricultural operations” from reporting under EPCRA section 304. This encompasses routine operations at farms, animal feeding operations, nurseries, other horticultural operations, and aquaculture. For more information, see: [EPCRA Q&A](#). EPA intends to conduct a rulemaking to clarify its interpretation of “used in routine agricultural operations” as it pertains to EPCRA reporting requirements.

[Top of Page](#)

General CERCLA Requirements

NEW Why do I need to report?

Previously, EPA exempted farms from reporting hazardous substance air releases from animal waste under CERCLA, and only large concentrated animal feeding operations (CAFOs) were subject to EPCRA reporting, which is a separate but related law.

Citizen groups challenged the validity of EPA's rule, and the U.S. Court of Appeals for the DC Circuit struck down EPA's rule on April 11, 2017. Therefore, EPA's regulatory exemption will no longer apply once the court's ruling takes effect. As a result of the Court decision, farms with animal operations that release certain amounts of hazardous substances will be required to report these air emissions ~~as early as January 29, 2018.~~

When do I need to report?

The Court is expected to issue its mandate on January 29, 2018. Farms do not have to report until the Court issues its mandate.

Once the mandate is issued, farms releasing hazardous substances to air from animal wastes, equal to or greater than their reportable quantities, within any 24-hour period, must notify the NRC. For farms with continuous releases this can be done by "continuous release reporting."

See: [How do I report for CERCLA?](#)

For compliance assistance, please call the EPCRA, RMP & Oil Information Center at: 1-800-424-9346.

Do I need to submit a CERCLA report?

Reporting is required when releases of hazardous substances (like ammonia or hydrogen sulfide) from animal waste meet or exceed their reportable quantities within a 24-hour period. For a complete list of CERCLA hazardous substances, please see: [Resources.](#)

What substances need to be reported?

Ammonia (NH₃) and hydrogen sulfide (H₂S) are common hazardous substances emitted from animal waste that require reporting if released to the air in amounts greater than or equal to their reportable quantity of 100 lbs within a 24-hour period. If a farm releases any other hazardous substances above their designated reportable quantities within a 24-hour period, those need to be reported as well.

How do I report for CERCLA?

To comply with CERCLA reporting requirements for air releases of hazardous substances from animal waste, instead of reporting every day, farms may follow a streamlined reporting process known as "continuous release reporting." This requires the facility owner or operator to:

- Notify the NRC. This may be done by [email](mailto:farms@uscg.mil) (farms@uscg.mil). Please identify your reportable release as an **"initial continuous release notification."**

- Submit an initial written notification to the [EPA Regional Office](#); and
- One year later submit an additional follow-up written notification to the [EPA Regional Office](#).

Email should be used by farms for the initial continuous release notification. For other types of releases, please call the NRC at 1-800-424-8802.

For compliance assistance, please call the EPCRA, RMP & Oil Information Center at: 1-800-424-9346.

Who do I notify if I need to report?

You must [immediately notify the NRC](#) when you have a release of any CERCLA hazardous substance at or above its reportable quantity within any 24-hour period. However, there is an [exception](#) for the normal application of fertilizers or the handling, storage or application of pesticide products. See: [Do I have to report when I apply fertilizers or pesticides to crops?](#)

Do I have to notify the NRC every time my emissions exceed the reportable quantity in a 24-hour period?

No. If your farm has releases that are continuous and stable in quantity and rate, you can follow a streamlined reporting process known as “continuous release reporting.” EPA considers emissions from animal waste to be continuous and stable in quantity and rate, and therefore eligible for this streamlined reporting option.

For more information on the regulation and guidance for continuous release reporting requirements, see: [Resources](#).

Can I request an extension?

No, CERCLA section 103 requires the facility owner or operator to immediately notify the NRC of a reportable release of a hazardous substance.

The one exception is for farm owners/operators participating in the Agency’s Animal Feeding Operation Air Compliance Agreement, and that are in compliance with their Agreements. For more information, see: [Do I have to report if I am participating in the EPA’s Animal Feeding Operation Air Compliance Agreement?](#)

Are there additional continuous release reporting requirements?

There are two additional types of continuous release reporting requirements:

- statistically significant increase notification and
- notification of changes to previously submitted continuous release information.

You must immediately notify the NRC of any statistically significant increases or of a change in previously submitted release information. This is most likely to be triggered by:

- an increase in the number of animals maintained on the farm (beyond the range used for the initial report) or
- a significant change (or disruption) in waste handling systems or procedures.

This is an ongoing requirement.

What is a statistically significant increase?

A statistically significant increase is an episodic release of a hazardous substance that exceeds the release quantity described in the upper bound of the normal range of the facility's continuous release report. The normal range includes all releases of a hazardous substance (from all sources at the facility) occurring over any 24-hour period under normal operating conditions during the preceding year.

Only those releases that are both continuous and stable in quantity and rate may be included in the normal range.

[Top of Page](#)

Previous Reporting

A farm owner/operator filed the continuous release and one-time anniversary report to comply with CERCLA section 103 for their facility before the 2008 exemption. If the information is still valid, do they have to file again?

No, if there have been no SSI in emissions or other changes to the report filed before 2008, then the farm owner/operator need not submit another report.

If a farmer made an initial notification to the NRC before the court issued the mandate, when do they need to submit a written report to the EPA regional office?

For those farmers who have already made their initial continuous release notification, the farmer may wait to submit the written report until the court issues the mandate. Within 30 days of the court mandate, the farmer must submit a written report to the EPA regional office. No additional call or email to the NRC is required.

[Top of Page](#)

Other Circumstances

Do I have to report when I apply fertilizers or pesticides to crops?

No, farm owners/operators do not need to report the normal application of fertilizers (including normal application of manure as a fertilizer) or the handling, storage or application of pesticide products registered under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). However, under Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) section 103, any spills or accidents involving these substances must be immediately reported to the NRC when they meet or exceed the reportable quantity.

Do I have to report if I am participating in the EPA's Animal Feeding Operation Air Compliance Agreement?

At this time, farm owners/operators in compliance with their Animal Feeding Operation Air Compliance Agreement ([70 FR 4958](#)) are not expected to report air releases of hazardous substances from animal wastes under CERCLA and EPCRA. Per their Agreement, participants must report air releases of hazardous substances equal to or exceeding the hazardous substances' reportable quantities under CERCLA when EPA completes the National Air Emissions Monitoring Study.

For additional information on EPCRA reporting, see: [EPCRA Q&A](#).

Do farms that have animals that reside primarily outside of an enclosed structure and graze on pastures, need to comply with reporting releases of hazardous substances from animal wastes under CERCLA?

Yes, if the facility has releases above the reportable quantity. EPA considers all contiguous property under common ownership to be a single facility for reporting purposes. For purposes of determining whether you have a reportable release, a person must identify all of the sources of hazardous substances releases, identify the quantities that are emitted from each source, and aggregate the quantities released for the facility. In making this determination, farms should include all releases from the facility, including releases from animal waste due to animals that reside primarily outside of an enclosed structure.

[Top of Page](#)

How to Report

How do I report a continuous release under Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA)?

You may follow these steps to report air emissions from animal wastes (e.g. ammonia and hydrogen sulfide releases):

Step 1:

Notify the NRC. For the purposes of this initial continuous release notification, please email the NRC at: farms@uscg.mil. The [email](#) must clearly state this is an "initial continuous release notification."

Due to the potential for large call volumes to the NRC an email notification will expedite your notification and will help to avoid expected long hold delays once reporting for farmers begins. An email notification should also help ensure that other types of emergency calls which may require immediate attention are expeditiously received by the NRC and not held up by call delays or system crashes. EPA and the NRC consider an email notification, in this instance, sufficient to comply with the immediate notification requirement for a continuous release under CERCLA section 103.

In order to qualify as a continuous release notification, please note in the subject line of the e-mail that this is an **“initial continuous release notification.”**

Include the following in your email (farms@uscg.mil):

- Name of the farm;
- Location of the farm (e.g., name of city/town and state);
- Name(s) of the hazardous substance(s) released.

You can submit information for multiple facilities (i.e., farms) in one email (farms@uscg.mil).

Note: The NRC does not require personally identifiable information, such as an address for a private residence. As an alternative, a generic location (such as name of city/town and state) may be sufficient.

You will receive an automatic response email from the NRC with a single identification number (CR-ERNS) for your farm(s). Include the CR-ERNS number on the follow-up written notification report that goes to your EPA Regional Office discussed in Step 2 below. The single CR-ERNS number provided should be used for each facility included in the email.

It may take some time to receive the automated notice from the NRC, so please be patient. Also, check your email's spam or junk folders before attempting to send your email again.

For compliance assistance, please call the EPCRA, RMP & Oil Information Center at: 1-800-424-9346.

Step 2: Submit an initial written notification to the EPA Regional Office.

Submit an initial written notification to the EPA Regional Office for the area where the release occurs, within 30 days of the call to the NRC. Note: Unlike the initial continuous release notification, each facility needs to submit a separate continuous release reporting form.

Farms can use this continuous release reporting form to provide the initial written notification. *Please note that this continuous release form is intended for multiple sectors and provides directions to send information to the EPA Regional Offices and to LEPCs and SERCs. **Farms not***

reporting under the Emergency Planning and Community Right-to-Know Act (EPCRA) should not send information to the LEPCs and SERCs.

EPA is developing a streamlined continuous release reporting form for farm facility owners and operators and plans to make this form available once it is finalized.

Step 3: A one-time first anniversary follow-up report to the EPA Regional Office.

Within 30 days of the first anniversary date of the initial written notification (i.e., the first continuous release report), the person in charge of the farm must submit a one-time anniversary report to the EPA Regional Office. The farm owner/operator must verify and update the information initially submitted for each of the hazardous substances reported to the NRC and to the EPA Regional Office. This follow-up report should be re-certified by the person in charge of the farm.

EPA's guide Reporting Requirements for Continuous Releases of Hazardous Substances includes forms to assist you with developing written reports. The guide provides an overview of the information required for the initial and first anniversary follow-up reports.

If I have multiple facilities (i.e., farms), can I make one notification that addresses all of my facilities?

In making your initial notification, you can submit information for multiple facilities in one email (farms@uscg.mil). List the name and location of each farm, as well as the associated name(s) of hazardous substance(s) released. However, if you are calling the NRC, then you can only provide one report per phone call. For the follow-up written notification to EPA, each facility should be reported separately.

You will receive an automatic response email from the NRC with a single identification number (CR-ERNS) for your farm(s). Include the CR-ERNS number on the follow-up written notification report that goes to your EPA Regional Office discussed in Step 2 ~~above~~below. The single CR-ERNS number provided should be used for each facility included in the email.

How will EPA protect my personal information?

EPA takes privacy concerns seriously, and the Agency protects personally identifiable information (PII) in a manner that is consistent with the law. There are several laws that may protect personal information including the Freedom of Information Act (FOIA), the E-Government Act of 2002, and the Federal Information Security Modernization Act of 2014. In accordance with these laws, EPA has procedures in place to protect certain PII from unauthorized disclosure.

When responding to FOIA requests for information, EPA carefully evaluates the information to determine whether that information should be withheld under FOIA Exemption 6. To

determine whether Exemption 6 applies, EPA is required to weigh the privacy interests of an individual against the public interest of disclosure. If the privacy interest outweighs the public interest, the information will be withheld. For more information about privacy, see: [EPA's Implementation of the Privacy Act](#).

For information on FOIA exemptions, see: [Freedom of Information Act Exemptions](#).

[Top of Page](#)

Emissions

How do I estimate the releases for reporting?

To help you comply with the reporting requirements, EPA has made [resources](#) available that may be helpful in estimating emissions of ammonia and/or hydrogen sulfide. You may also use other models for estimating emissions or you may estimate quantities of releases by relying on:

- Past release data;
- Engineering estimates;
- Your knowledge of the facility's operations and release history; or
- Your best professional judgment.

Facility owners and operators are required to report an estimate only - monitoring data is not required. Additionally, farmers are not required to reduce emissions. Farmers should keep a copy of the calculation for future reference.

CERCLA section 103 allows "continuous releases" to be reported in ranges. EPA understands that farmers may need to report their releases in broad ranges that reflect the high degree of uncertainty and variability of these releases.

NEW Why can't EPA tell me how many animals require reporting?

EPA recognizes that it will be challenging for farmers to estimate releases from animal wastes because there is no generally accepted methodology for estimating these emissions at this time.

Many factors influence emissions:

- geographic location;
- environmental conditions;
- management practices (e.g. feed, manure);
- animal characteristics (e.g. number, species, life stage);
- operating conditions; and
- general management practices.

Due to the complex interactions of these factors, emissions cannot be standardized based solely on the number and type of animals at each animal operation. For example, there are many scenarios when operations with fewer animals will have higher emissions than operations with greater numbers of the same species of animals.

EPA is working on developing methodologies to estimate emissions from a wide variety of operations and thus better inform emission estimates from animal waste. However, that work will not be completed prior to the Court's mandate that farms report.

How often do I need to estimate emissions?

If you use the continuous release reporting process, you need to review emissions from the farm once a year. You should also estimate emissions following any significant changes in operations that may result in statistically significant increases in emissions. You'll also need to report any statistically significant increases in emissions.

How can I reduce emissions?

Farmers are not required to reduce emissions. For farmers that want to reduce emissions, EPA and United States Department of Agriculture (USDA) developed a [reference guide](#) that provides options for improving air quality from livestock and poultry operations. The guide provides a compilation of conservation measures for reducing air pollutant emissions and/or reducing air quality impacts from livestock and poultry operations.

Commented [GP2]: Add a space here.

[Top of Page](#)

Resources

- **NEW** [Fact sheet: CERCLA and EPCRA Reporting Requirements for Air Releases of Hazardous Substances from Animal Waste at Farms](#)
- Email comments or suggestions on guidance materials to: CERCLA103.guidance@epa.gov
- [EPA Regional Contacts](#)
- [Continuous Release Reporting Form](#)
- National Response Center: 800-424-8802 or farms@uscg.mil
- EPCRA, RMP & Oil Information Center at: 1-800-424-9346 Monday through Friday 10 am to 5 pm EST, (excluding Federal holidays)
- Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Regulation [40 CFR part 302](#) - Designation, Reportable Quantities, and Notification
- Additional Guidance: [Reporting Requirements for Continuous Releases of Hazardous Substances](#)

Emission Estimates

Farm owners/operators may consider any of the resources provided in this section (or any other studies available to you) for estimating releases. You can also coordinate with your trade associations or the land-grant universities in your area (see Appendix A.3: List of AFO Air Quality Programs & Land-Grant Universities available in [reference guide](#)).


You may establish estimated quantities of releases by relying on:

- past release data,
- engineering estimates,
- your knowledge of the facility's operations and release history, or
- your best professional judgment.

Monitoring data is not required. Additionally, farmers are not required to reduce emissions. Farmers should keep a copy of the calculation for future reference.

Disclaimer: This listing does not constitute EPA endorsement. These are provided solely as available resources for farms to use while EPA finalizes its methodologies for estimating air emissions of ammonia and hydrogen sulfide from animal wastes. Farms may use any other approaches that are available to develop these estimates.


Dairy Operations

To estimate ammonia and hydrogen sulfide emissions from dairy operations, see: [Dairy Report worksheet](#) (3 pp, 87 K, [About PDF](#)) (go to page 3) . Emission estimates are inclusive of ammonia emissions from animal pen surfaces and the runoff holding pond(s). Ammonia emission rates vary between summer and winter months. The worksheet indicates that hydrogen sulfide levels are fairly stable throughout the year.

Although the Dairy Report includes a draft letter and template for continuous release reports for dairy operations, please use the [continuous release reporting form](#).

(Source: These emission estimates are based on research data collected by Texas AgriLife Research, Texas AgriLife Extension Service, Texas A&M University, USDA-Agricultural Research Service, and West Texas A&M University.)

Swine operations

To estimate ammonia and hydrogen sulfide emissions from swine operations, see: [Swine Report worksheet](#) (4 pp, 91 K, [About PDF](#)) (go to page 3) . The worksheet considers typical confinement housing and manure storages that are located in a temperate climate. Emission rates are provided for shallow and deep storage pits.

Although the Swine Report worksheet includes a draft letter and template for continuous release reports for swine operations, please use the [continuous release reporting form](#).

(Source: The emissions estimates are derived from research reported by:

Gay, S.W., D.R. Schmidt, C.J. Clanton, K.A. Janni, L.D. Jacobson, S. Weisberg. 2003. Odor, Total Reduced Sulfur and Ammonia Emissions from Animal Housing Facilities and Manure Storage Units in Minnesota. *Applied Engineering in Agriculture*, 19(3) 347-360, ASABE, St. Joseph, MI. and:

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provides ammonia and hydrogen sulfide emission rates for poultry operations, including broilers, laying hens and turkeys. This study lists emission rates for various housing type for each species. It also includes instructions for using the emission rates to calculate emissions for these substances, as well as examples on calculating emissions.

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- [Cattle example](#) (2 pp, 33 K, [About PDF](#)) for calculating emissions of ammonia for a beef feedlot with 1,000 head of cattle.

(Source: Rick Stowell and Rick Koelsch, University of Nebraska.)

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Resources for Emissions Estimates

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[Top of Page](#)

Message

From: Gioffre, Patricia [Gioffre.Patricia@epa.gov]
Sent: 1/29/2018 2:53:49 PM
To: Mayer, Eileen [Mayer.Eileen@epa.gov]; Jacob, Sicy [Jacob.Sicy@epa.gov]
CC: Jennings, Kim [Jennings.Kim@epa.gov]; Thomas, Latosha [Thomas.Latosha@epa.gov]
Subject: RE: Website Revisions to Make Today

Thank you! And Sicy- thanks for the good suggestion.

Patty Gioffre
US EPA/OLEM/OEM
202-564-1972
202-748-7139 (cell)

[Follow OLEM on Twitter @EPALand](#)

From: Mayer, Eileen
Sent: Monday, January 29, 2018 9:52 AM
To: Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Jacob, Sicy <Jacob.Sicy@epa.gov>
Cc: Jennings, Kim <Jennings.Kim@epa.gov>; Thomas, Latosha <Thomas.Latosha@epa.gov>
Subject: RE: Website Revisions to Make Today

OK, I'll add that into the revisions.

Eileen M. Mayer
Web Editor-in-Chief ([EPCRA](#), [RMP](#), [Oil Spills Regulations](#), and [Emergency Response](#))
Office of Emergency Management
U.S. Environmental Protection Agency
202-564-9628

From: Gioffre, Patricia
Sent: Monday, January 29, 2018 9:51 AM
To: Jacob, Sicy <[Jacob.Sicy@epa.gov](#)>; Mayer, Eileen <[Mayer.Eileen@epa.gov](#)>
Cc: Jennings, Kim <[Jennings.Kim@epa.gov](#)>; Thomas, Latosha <[Thomas.Latosha@epa.gov](#)>
Subject: RE: Website Revisions to Make Today

I'm OK with that change.

Patty Gioffre
US EPA/OLEM/OEM
202-564-1972
202-748-7139 (cell)

[Follow OLEM on Twitter @EPALand](#)

From: Jacob, Sicy
Sent: Monday, January 29, 2018 9:09 AM
To: Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Mayer, Eileen <Mayer.Eileen@epa.gov>
Cc: Jennings, Kim <Jennings.Kim@epa.gov>; Thomas, Latosha <Thomas.Latosha@epa.gov>
Subject: RE: Website Revisions to Make Today

Deliberative Process / Ex. 5

*Sicy Jacob
Chemical Engineer
Regulations Implementation Division
Office of Emergency Management
U.S. EPA, MailCode 5104A
1200 Pennsylvania Avenue, NW
Washington DC 20004
(202) 564-8019*

From: Gioffre, Patricia
Sent: Monday, January 29, 2018 8:47 AM
To: Jacob, Sicy <Jacob.Sicy@epa.gov>; Mayer, Eileen <Mayer.Eileen@epa.gov>
Cc: Jennings, Kim <Jennings.Kim@epa.gov>; Thomas, Latosha <Thomas.Latosha@epa.gov>
Subject: RE: Website Revisions to Make Today

Good catch. Eileen- **Deliberative Process / Ex. 5**

Patty Gioffre
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202-564-1972
202-748-7139 (cell)

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From: Jacob, Sicy
Sent: Monday, January 29, 2018 8:38 AM

To: Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Mayer, Eileen <Mayer.Eileen@epa.gov>
Cc: Jennings, Kim <Jennings.Kim@epa.gov>; Thomas, Latosha <Thomas.Latosha@epa.gov>
Subject: RE: Website Revisions to Make Today

Minor edit:

When do I need to report?

Deliberative Process / Ex. 5

Sicy Jacob
Chemical Engineer
Regulations Implementation Division
Office of Emergency Management
U.S. EPA, MailCode 5104A
1200 Pennsylvania Avenue, NW
Washington DC 20004
(202) 564-8019

From: Gioffre, Patricia
Sent: Monday, January 29, 2018 8:15 AM
To: Mayer, Eileen <Mayer.Eileen@epa.gov>
Cc: Jennings, Kim <Jennings.Kim@epa.gov>; Jacob, Sicy <Jacob.Sicy@epa.gov>; Thomas, Latosha <Thomas.Latosha@epa.gov>
Subject: Website Revisions to Make Today

Attorney Client / Ex. 5

questions.

Call me if you have any

Nancy Grantham is aware that we want to make changes to the website today (based on a meeting Friday with Barry). I believe Matt Colip was also in that meeting, so hopefully that should help expedite the process.

Deliberative Process / Ex. 5

Finally, as a heads up, we may also hear from the court today on a decision to delay the mandate. **Deliberative Process / Ex. 5** I'll let you know as soon as we hear something.

I'm working at home today. My office phone should forward to my cell.

Patty Gioffre
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Washington, DC 20460
202-564-1972
202-748-7139 (cell)

Follow OLEM on Twitter @EPALand

Message

From: Gioffre, Patricia [Gioffre.Patricia@epa.gov]
Sent: 1/8/2018 9:01:09 PM
To: Dunkins, Robin [Dunkins.Robin@epa.gov]; Jennings, Kim [Jennings.Kim@epa.gov]; Lewis, Jen [Lewis.Jen@epa.gov]; Subramanian, Hema [Subramanian.Hema@epa.gov]; Costa, Allison [Costa.Allison@epa.gov]; Schrock, Bill [Schrock.Bill@epa.gov]; Jacob, Sicy [Jacob.Sicy@epa.gov]; Franklin, Kathy [Franklin.Kathy@epa.gov]; Principe, Vanessa [Principe.Vanessa@epa.gov]
CC: Thomas, Latosha [Thomas.Latosha@epa.gov]; Mayer, Eileen [Mayer.Eileen@epa.gov]
Subject: RE: REVIEW REQUESTED DRAFT- Two new Questions for the CERCLA EPCRA website

OK. Thanks Robin.

Patty Gioffre
US EPA/OLEM/OEM
202-564-1972
202-748-7139 (cell)

[Follow OLEM on Twitter @EPALand](#)

From: Dunkins, Robin
Sent: Monday, January 08, 2018 3:38 PM
To: Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>; Lewis, Jen <Lewis.Jen@epa.gov>; Subramanian, Hema <Subramanian.Hema@epa.gov>; Costa, Allison <Costa.Allison@epa.gov>; Schrock, Bill <Schrock.Bill@epa.gov>; Jacob, Sicy <Jacob.Sicy@epa.gov>; Franklin, Kathy <Franklin.Kathy@epa.gov>; Principe, Vanessa <Principe.Vanessa@epa.gov>
Cc: Thomas, Latosha <Thomas.Latosha@epa.gov>; Mayer, Eileen <Mayer.Eileen@epa.gov>
Subject: RE: REVIEW REQUESTED DRAFT- Two new Questions for the CERCLA EPCRA website

Patty,
I'm fine with the second question's response with one edit. Under the second paragraph where it refers to CAFOs, please change that to animal feeding operations or animal operation to be consistent with paragraph before. The petition response specifically spoke to CAFOs because that's what the petition referenced but the NAEMS methodologies are for all animal feeding operations. As you know in the air office do not have a definition for CAFOs and we tend to interchange the CAFOs and AFOs but for your website, I think we should be clear we're talking ALL animal feeding operations not just the larger operations or CAFOs.

Robin Dunkins, Group Leader
Natural Resources Group
OAR/OAQPS/SPPD Mail Code: E143-03
U.S. Environmental Protection Agency
Research Triangle Park, NC 27711
919-541-5335
dunkins.robins@epa.gov

From: Gioffre, Patricia
Sent: Monday, January 08, 2018 3:10 PM
To: Jennings, Kim <Jennings.Kim@epa.gov>; Lewis, Jen <Lewis.Jen@epa.gov>; Subramanian, Hema <Subramanian.Hema@epa.gov>; Dunkins, Robin <Dunkins.Robin@epa.gov>; Costa, Allison <Costa.Allison@epa.gov>; Schrock, Bill <Schrock.Bill@epa.gov>; Jacob, Sicy <Jacob.Sicy@epa.gov>; Franklin, Kathy <Franklin.Kathy@epa.gov>;

Principe, Vanessa <Principe.Vanessa@epa.gov>

Cc: Thomas, Latosha <Thomas.Latosha@epa.gov>; Mayer, Eileen <Mayer.Eileen@epa.gov>

Subject: REVIEW REQUESTED DRAFT- Two new Questions for the CERCLA EPCRA website

Importance: High

In order to prepare for some commonly asked questions, I am suggesting the following two questions that we can post to the website quickly. The rest of the questions will be posted by January 22nd. The first paragraph in the 2nd question is from the response to the CAA 111 petition recently signed by the Administrator (though I removed CAFO) since the same principals apply for pastured animals.

Why do I need to report?

In 2008, EPA published a final rule that exempted most farms from certain CERCLA and EPCRA release reporting requirements. However, the U.S. Court of Appeals for the DC Circuit struck down EPA's rule on April 11, 2017. Therefore, EPA's regulatory exemption no longer applies. As a result of the Court decision, farms with animal operations that release certain amounts of hazardous substances will be required to report these air emissions as early as January 22, 2018.

Why can't EPA tell me how many animals require reporting?

Many factors influence emissions, including the geographic location and environmental conditions (e.g. soil type, precipitation, humidity, temperature, water availability, wind conditions, terrain), management practices (e.g. feed, manure), animal characteristics (e.g. number, species, life stage), operating conditions (e.g. housing/confinement types) and general management practices. Due to the complex interactions of all of these factors, emissions cannot be standardized based solely on the number and type of animals at each animal operation. There are many scenarios when an animal operation with fewer animals will have higher emissions than an operation with a greater number of the same species of animals.

EPA is working on completing the National Air Emissions Monitoring Study (NAEMS). NAEMS will help the agency develop methodologies to estimate emissions from a wide variety of types of CAFOs and thus better inform emission estimates from animal waste. However, that work will not be completed prior to the Court's mandate that farms report.

To help you comply with the Court's requirement, EPA has made resources [HYPERLINK] available that may be helpful in estimating emissions. You may also use other models for estimating emissions. You should keep a copy of any calculations for future reference.

Finally, you may estimate quantities of releases by relying on:

- Past release data;
- Engineering estimates;
- Your knowledge of the facility's operations and release history; or
- Your best professional judgment.

Monitoring data is not required.

Please take a look at these two questions and get back to me quickly with any edits.

Thanks!

Patty Gioffre
USEPA (OLEM/OEM)
1200 Pennsylvania Ave. NW (5104A)
Washington, DC 20460
202-564-1972
202-748-7139 (cell)


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Message

From: Mayer, Eileen [Mayer.Eileen@epa.gov]
Sent: 1/8/2018 8:24:29 PM
To: Gioffre, Patricia [Gioffre.Patricia@epa.gov]; Jennings, Kim [Jennings.Kim@epa.gov]; Lewis, Jen [Lewis.Jen@epa.gov]; Subramanian, Hema [Subramanian.Hema@epa.gov]; Dunkins, Robin [Dunkins.Robin@epa.gov]; Costa, Allison [Costa.Allison@epa.gov]; Schrock, Bill [Schrock.Bill@epa.gov]; Jacob, Sicy [Jacob.Sicy@epa.gov]; Franklin, Kathy [Franklin.Kathy@epa.gov]; Principe, Vanessa [Principe.Vanessa@epa.gov]
CC: Thomas, Latosha [Thomas.Latosha@epa.gov]
Subject: RE: REVIEW REQUESTED DRAFT- Two new Questions for the CERCLA EPCRA website

<!--[if lte mso 15 || CheckWebRef]-->

Mayer, Eileen has shared a OneDrive for Business file with you. To view it, click the link below.

 New Frequent Questions EM Revisions.docx

<!--[endif]-->

Suggested revisions are attached.

Eileen M. Mayer
Web Editor-in-Chief ([EPCRA](#), [RMP](#), [Oil Spills Regulations](#), and [Emergency Response](#))
Office of Emergency Management
U.S. Environmental Protection Agency
202-564-9628

From: Gioffre, Patricia
Sent: Monday, January 08, 2018 3:10 PM
To: Jennings, Kim <Jennings.Kim@epa.gov>; Lewis, Jen <Lewis.Jen@epa.gov>; Subramanian, Hema <Subramanian.Hema@epa.gov>; Dunkins, Robin <Dunkins.Robin@epa.gov>; Costa, Allison <Costa.Allison@epa.gov>; Schrock, Bill <Schrock.Bill@epa.gov>; Jacob, Sicy <Jacob.Sicy@epa.gov>; Franklin, Kathy <Franklin.Kathy@epa.gov>; Principe, Vanessa <Principe.Vanessa@epa.gov>
Cc: Thomas, Latosha <Thomas.Latosha@epa.gov>; Mayer, Eileen <Mayer.Eileen@epa.gov>
Subject: REVIEW REQUESTED DRAFT- Two new Questions for the CERCLA EPCRA website
Importance: High

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operations that release certain amounts of hazardous substances will be required to report these air emissions as early as January 22, 2018.

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EPA is working on completing the National Air Emissions Monitoring Study (NAEMS). NAEMS will help the agency develop methodologies to estimate emissions from a wide variety of types of CAFOs and thus better inform emission estimates from animal waste. However, that work will not be completed prior to the Court's mandate that farms report.

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Finally, you may estimate quantities of releases by relying on:

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- Engineering estimates;
- Your knowledge of the facility's operations and release history; or
- Your best professional judgment.

Monitoring data is not required.

Please take a look at these two questions and get back to me quickly with any edits.

Thanks!

Patty Gioffre
USEPA (OLEM/OEM)
1200 Pennsylvania Ave. NW (5104A)
Washington, DC 20460
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202-748-7139 (cell)

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Message

From: Gioffre, Patricia [Gioffre.Patricia@epa.gov]
Sent: 1/17/2018 5:12:20 PM
To: Jacob, Sicy [Jacob.Sicy@epa.gov]; Jennings, Kim [Jennings.Kim@epa.gov]
Subject: RE: EPA Animal Waste Reporting Outreach Call with Stakeholders - space is limited so be prompt

Yes-Thanks Sicy!

Patty Gioffre
US EPA/OLEM/OEM
202-564-1972
202-748-7139 (cell)

[Follow OLEM on Twitter @EPALand](#)

From: Jacob, Sicy
Sent: Wednesday, January 17, 2018 11:51 AM
To: Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>
Subject: FW: EPA Animal Waste Reporting Outreach Call with Stakeholders - space is limited so be prompt

See Tim's email below.

***Sicy Jacob
Chemical Engineer
Regulations Implementation Division
Office of Emergency Management
U.S. EPA, MailCode 5104A
1200 Pennsylvania Avenue, NW
Washington DC 20004
(202) 564-8019***

From: Timothy Gablehouse [<mailto:tgablehouse@gcgllc.com>]
Sent: Wednesday, January 17, 2018 11:42 AM
Subject: EPA Animal Waste Reporting Outreach Call with Stakeholders - space is limited so be prompt

Subject: EPA Animal Waste Reporting Outreach Call with Stakeholders
When: Thursday, January 18, 2018 11:00 AM-12:00 PM (UTC-05:00) Eastern Time (US & Canada).
Where: **Conference Number / Ex. 6**

Due to a recent court decision, farms (including ranches, livestock operations and/or animal operations) will soon be required to report hazardous substance air releases from animal waste under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) when they release hazardous substances from animal waste in amounts greater than/equal to their reportable quantity within a 24-hour period. The purpose of this call is to provide an overview and basic information for our stakeholders who are impacted by this new requirement.

Appointment

From: Microsoft Outlook [MicrosoftExchange329e71ec88ae4615bbc36ab6ce41109e@usepa.onmicrosoft.com]
Sent: 1/8/2018 4:56:32 PM
To: Jacob, Sicy [Jacob.Sicy@epa.gov]
Subject: Meeting Forward Notification: Update on Air Releases of Hazardous Substances from Animal Waste at Farms
Location: Conference line **Conference Number / Ex. 6**
Start: 1/9/2018 8:00:00 PM
End: 1/9/2018 9:00:00 PM

Recurrence: (none)

Your meeting was forwarded

Gilley, Anne has forwarded your meeting request to additional recipients.

Meeting

Update on Air Releases of Hazardous Substances from Animal Waste at Farms

Meeting Time

Tuesday, January 9, 2018 3:00 PM-4:00 PM.

Recipients

pandya, perry

Gallagher, Theresa

Shenk, Kelly

Dunn, Michael

All times listed are in the following time zone: (UTC-05:00) Eastern Time (US & Canada)

Sent by Microsoft Exchange Server



Air Quality and Agriculture: Updates

12 December 2017

Overview

- ▶ PM_{2.5} Precursors
- ▶ National Air Emissions Monitoring Study
- ▶ Agricultural Air Quality Conservation Measures: Reference Guide for Poultry and Livestock Production Systems
- ▶ CERCLA/EPCRA Update on Air Releases from Agricultural Sources

PM_{2.5} Precursors: Background

- ▶ After the first PM_{2.5} NAAQS were finalized in 1997, EPA's implementation rules initially:
 - ▶ Implemented the PM_{2.5} NAAQS under CAA subpart 1 (general nonattainment provisions)
 - ▶ Required nonattainment areas to address only two PM_{2.5} precursors (SO₂ and NO_x)
- ▶ January 2013 – US Court of Appeals for the DC Circuit decision remanded the 2007 PM_{2.5} implementation rule and 2008 NSR rule for PM_{2.5} and held that:
 - ▶ EPA must implement PM_{2.5} NAAQS under both CAA subpart 1 and subpart 4 (particulate matter nonattainment provisions)
 - ▶ States are presumptively required to address all PM_{2.5} precursors (SO₂, NO_x, VOC, ammonia) in SIPs
- ▶ Published in August 2016, the replacement PM_{2.5} SIP Requirements Rule outlines the attainment planning requirements for all existing and future PM_{2.5} NAAQS

PM_{2.5} Precursors: Demonstrations

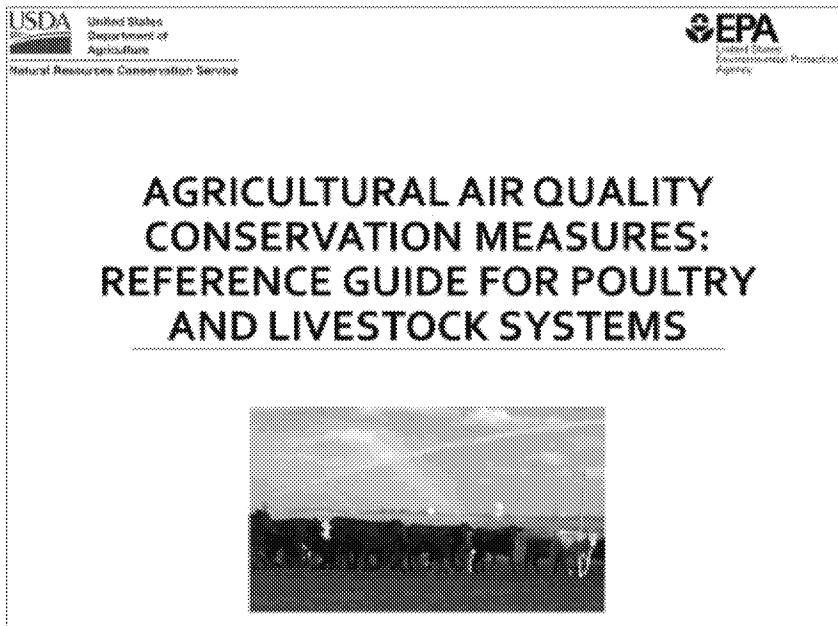
- ▶ Rule allows states to submit *optional* precursor demonstrations to show that emissions of a particular precursor do “not contribute significantly to PM_{2.5} levels which exceed the standard in the area”
 - ▶ Consistent with CAA section 189(e)
 - ▶ If EPA approves a precursor demonstration for a particular nonattainment area, the attainment plan and/or NNSR program may exclude the precursor from certain control requirements, depending on the type of demonstration provided
- ▶ EPA released a public draft version of the “PM_{2.5} Precursor Demonstration Guidance” in November 2016
 - ▶ To assist air agencies who prefer to submit *optional* precursor demonstrations
 - ▶ The guidance contains recommended procedures for completing a precursor demonstrations as provided for in the final rule

- ▶ Industry-funded study to monitor on-farm emissions
- ▶ Coordinated by Purdue University with EPA oversight
- ▶ Established as part of a voluntary consent agreement between the EPA and the animal feeding operation (AFO) industry
- ▶ Goal: Develop methodologies that could be used to estimate emissions for use with reporting requirements under CERCLA, EPCRA and the Clean Air Act

- ▶ Two years of on-farm measurements of particulate matter (PM), ammonia, hydrogen sulfide and volatile organic compounds
 - ▶ 2007-2010: Monitored 24 sites in 9 states
 - ▶ 2012: Draft emission estimating methodologies (EEMs) released
- ▶ 2013: EPA Science Advisory Board reviewed draft EEMs
 - ▶ Final report recommended gathering more data and developing more rigorous methodologies

- ▶ Gathered additional data and conducted further analysis
- ▶ Developing Quality Assurance Plan for evaluating the data
- ▶ Determining which emission estimating methodologies can be completed with available data
- ▶ By July 2018, plan to publish timeline for completion of methodologies on EPA's website
 - ▶ In accordance with September 2017 report by EPA's Office of Inspector General

Best Management Practices: Livestock Systems



Reference Guide: Summary

- ▶ Collaboration with USDA Natural Resources Conservation Service
 - ▶ Companion to 2012 Guide for Cropping Systems and General Land Management
- ▶ Describes conservation measures that reduce air emissions on livestock and poultry farms
 - ▶ Criteria for inclusion: successfully demonstrated at least once
- ▶ Pollutants targeted:
 - ▶ Ammonia
 - ▶ Hydrogen sulfide
 - ▶ Particulate matter
 - ▶ Volatile organic compounds
 - ▶ *Greenhouse gases*

Reference Guide: Topics Covered

- ▶ Nutrition and feed management
- ▶ Animal confinement
- ▶ Manure management
- ▶ Land application
- ▶ Pasture and range management
- ▶ Other supplemental practices
 - ▶ Mortality management
 - ▶ Unpaved roadways and other areas
 - ▶ Equipment modifications

Reference Guide: Useful Resource

- ▶ Designed to be a “first step”
 - ▶ Narrow potential options
 - ▶ Provide resources for more information
- ▶ Emphasizes importance of site-specific factors
- ▶ Provides ranges of potential emissions reductions
- ▶ Does not provide specific cost information
- ▶ Additional assistance may be available from USDA and EPA

<https://www.epa.gov/afos-air/agricultural-air-quality-conservation-measures-reference-guide-poultry-and-livestock>

<https://www.nrcs.usda.gov/wps/portal/nrcs/main/national/air/quality/>



Agriculture Air Quality
<https://www.epa.gov/afos-air>

EPA's National Agriculture Center
<https://www.epa.gov/agriculture>

- ▶ **What changed?**
 - ▶ December 2008 - EPA exempted most farms from certain release reporting requirements in CERCLA and EPCRA
 - ▶ April 11, 2017 - the DC Circuit Court struck down the 2008 final rule
- ▶ **Who is affected?**
 - ▶ Farms releasing hazardous substances (ammonia and/or hydrogen sulfide above a reportable quantity, or RQ) from animal waste
- ▶ **When?**
 - ▶ Reporting requirements go into affect once court issues mandate
 - ▶ Expected January 22, 2018

- ▶ Developed guidance to assist farmers to understand the CERCLA and EPCRA reporting requirements
 - ▶ Requested comments on the guidance to identify areas for improvement
 - ▶ As FAQs are identified, EPA is adding these to the website
 - ▶ Guidance primarily focuses on CERCLA continuous release reporting requirements
- ▶ EPA interprets the statute to exclude farms that use substances in “routine agricultural operations” from reporting under EPCRA section 304
 - ▶ Expect to complete a rulemaking to clarify the interpretation as it pertains to EPCRA reporting requirements

- ▶ EPA developed a streamlined reporting form for farmers
 - ▶ A *Federal Register* notice was published December 5, 2017, for a 10 day comment period which will close on December 15, 2017
 - ▶ Docket # EPA-HQ-SFUND-2007-0469
- ▶ Information Center is available to answer farmers' questions
 - ▶ 800-424-9346 or 703-348-5070 in the Washington, DC area
 - ▶ Hours of Operation:
Monday - Friday: 10:00 AM - 5:00 PM EST

Deliberative Process / Ex. 5

For More Information

Robin Dunkins

Agriculture Advisor for the Air Office
Group Leader, Natural Resources Group
Sector Policies and Programs Division
Office of Air Quality Planning and Standards
(919) 541-5335
dunkins.robin@epa.gov

Kim Jennings

Division Director
Regulations Implementation Division
Office of Emergency Management
(202) 564-7998
jennings.kim@epa.gov

Message

From: Thomas, Latosha [Thomas.Latosha@epa.gov]
Sent: 12/11/2017 8:57:50 PM
To: Gioffre, Patricia [Gioffre.Patricia@epa.gov]; Jacob, Sicy [Jacob.Sicy@epa.gov]; Jennings, Kim [Jennings.Kim@epa.gov]
CC: Salo, Earl [Salo.Earl@epa.gov]; Swenson, Erik [Swenson.Erik@epa.gov]; Lewis, Jen [Lewis.Jen@epa.gov]; Franklin, Kathy [Franklin.Kathy@epa.gov]
Subject: RE: ACTION: Capital Press re: farm emissions calculations

Thanks!

From: Gioffre, Patricia
Sent: Monday, December 11, 2017 3:55 PM
To: Jacob, Sicy <Jacob.Sicy@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>
Cc: Salo, Earl <Salo.Earl@epa.gov>; Swenson, Erik <Swenson.Erik@epa.gov>; Lewis, Jen <Lewis.Jen@epa.gov>; Thomas, Latosha <Thomas.Latosha@epa.gov>; Franklin, Kathy <Franklin.Kathy@epa.gov>
Subject: RE: ACTION: Capital Press re: farm emissions calculations

These look great. Thank you Sicy. I have no edits.

Patty Gioffre
US EPA/OLEM/OEM
202-564-1972
202-748-7139 (cell)

[Follow OLEM on Twitter @EPALand](#)

From: Jacob, Sicy
Sent: Monday, December 11, 2017 3:03 PM
To: Jennings, Kim <Jennings.Kim@epa.gov>
Cc: Salo, Earl <Salo.Earl@epa.gov>; Swenson, Erik <Swenson.Erik@epa.gov>; Lewis, Jen <Lewis.Jen@epa.gov>; Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Thomas, Latosha <Thomas.Latosha@epa.gov>; Franklin, Kathy <Franklin.Kathy@epa.gov>
Subject: RE: ACTION: Capital Press re: farm emissions calculations

Deliberative Process / Ex. 5

Question: Does the EPA plan to provide more guidance, such as providing of how many cows, pigs or chickens it takes to reach the reporting threshold?

Answer: It is not possible to accurately estimate air emissions from animal waste for each species of animal (cow, pig or chicken) based on number of animals alone. The emissions vary by age, size and sex for each species. Some livestock operations may have both sexes, and varying sizes and ages of a particular species. The reporting threshold would apply to the aggregate emissions from all the farm operations involving these animals' waste. There are also other factors that affect estimates of emissions from animal waste, including operating conditions (e.g., housing/confinement type);

management practices (e.g., feed, manure); and geographic location and environmental conditions (e.g., precipitation, humidity, temperature, wind conditions, terrain).

EPA will revise guidance on its webpage <https://www.epa.gov/epcra/cercla-and-epcra-reporting-requirements-air-releases-hazardous-substances-animal-waste-farms>, as necessary, to reflect additional information to assist farm owners and operators to meet reporting obligations.

Question: Will the EPA say the rule applies to farms of a certain size and doesn't apply to others?

Answer: No. The CERCLA section 103 reporting requirements are based on whether a reportable quantity of hazardous substance is released from the farm site and is not based on farm size.

Question: The EPA came up with an estimate of number of farms affected. How did it come up with that number?

Answer: To determine the number of farms that may be affected, we used the estimates from the December 2008 final rule.

*Sicy Jacob
Chemical Engineer
Regulations Implementation Division
Office of Emergency Management
U.S. EPA, MailCode 5104A
1200 Pennsylvania Avenue, NW
Washington DC 20004
(202) 564-8019*

From: Jennings, Kim
Sent: Monday, December 11, 2017 2:29 PM
To: Franklin, Kathy <Franklin.Kathy@epa.gov>
Cc: Jacob, Sicy <Jacob.Sicy@epa.gov>; Salo, Earl <Salo.Earl@epa.gov>; Swenson, Erik <Swenson.Erik@epa.gov>; Lewis, Jen <Lewis.Jen@epa.gov>; Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Thomas, Latosha <Thomas.Latosha@epa.gov>
Subject: Re: ACTION: Capital Press re: farm emissions calculations

Adding in our comms person.

Thanks,
Kim

On Dec 11, 2017, at 2:26 PM, Jennings, Kim <Jennings.Kim@epa.gov> wrote:

Great.

Thanks,
Kim

On Dec 11, 2017, at 2:25 PM, Franklin, Kathy <Franklin.Kathy@epa.gov> wrote:

I just talked to Sicy about it and she is working on it.

Kathy Franklin
USEPA, Office of Emergency Management
WJ Clinton North Bldg., Rm. 6450G Mailcode 5104A
1200 Pennsylvania Ave. NW, Washington, DC 20460 (Zip 20004 for private courier delivery)
Phone: 202-564-7987
Email: franklin.kathy@epa.gov

From: Jennings, Kim
Sent: Monday, December 11, 2017 2:25 PM
To: Jacob, Sicy <Jacob.Sicy@epa.gov>
Cc: Salo, Earl <Salo.Earl@epa.gov>; Swenson, Erik <Swenson.Erik@epa.gov>; Lewis, Jen <Lewis.Jen@epa.gov>; Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Franklin, Kathy <Franklin.Kathy@epa.gov>
Subject: Re: ACTION: Capital Press re: farm emissions calculations

Attorney Client / Ex. 5

Thanks,
Kim

On Dec 11, 2017, at 10:00 AM, Jacob, Sicy
<Jacob.Sicy@epa.gov> wrote:

<image002.jpg>

Yes we can say that as we mention it in the ICR too.

*Sicy Jacob
Chemical Engineer
Regulations Implementation Division
Office of Emergency Management
U.S. EPA, MailCode 5104A
1200 Pennsylvania Avenue, NW
Washington DC 20004
(202) 564-8019*

From: Salo, Earl
Sent: Monday, December 11, 2017 9:09 AM
To: Jacob, Sicy <Jacob.Sicy@epa.gov>; Swenson, Erik <Swenson.Erik@epa.gov>; Lewis, Jen <Lewis.Jen@epa.gov>
Cc: Jennings, Kim <Jennings.Kim@epa.gov>; Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Franklin, Kathy <Franklin.Kathy@epa.gov>
Subject: RE: ACTION: Capital Press re: farm emissions calculations

Attorney Client / Ex. 5

From: Jacob, Sicy
Sent: Saturday, December 09, 2017 11:50 AM

To: Salo, Earl <Salo.Earl@epa.gov>; Swenson, Erik
<Swenson.Erik@epa.gov>; Lewis, Jen <Lewis.Jen@epa.gov>
Cc: Jennings, Kim <Jennings.Kim@epa.gov>; Gioffre, Patricia
<Gioffre.Patricia@epa.gov>; Franklin, Kathy <Franklin.Kathy@epa.gov>;
Jacob, Sicy <Jacob.Sicy@epa.gov>
Subject: RE: ACTION: Capital Press re: farm emissions calculations

Attorney Client / Ex. 5

*Sicy Jacob
Chemical Engineer
Regulations Implementation Division*

*Office of Emergency Management
U.S. EPA, MailCode 5104A
1200 Pennsylvania Avenue, NW
Washington DC 20004
(202) 564-8019*

From: Salo, Earl
Sent: Friday, December 08, 2017 5:19 PM
To: Franklin, Kathy <Franklin.Kathy@epa.gov>; Jacob, Sicy <Jacob.Sicy@epa.gov>; Swenson, Erik <Swenson.Erik@epa.gov>; Lewis, Jen <Lewis.Jen@epa.gov>
Cc: Jennings, Kim <Jennings.Kim@epa.gov>; Gioffre, Patricia <Gioffre.Patricia@epa.gov>
Subject: RE: ACTION: Capital Press re: farm emissions calculations

Attorney Client / Ex. 5

From: Franklin, Kathy
Sent: Friday, December 08, 2017 4:43 PM
To: Jacob, Sicy <Jacob.Sicy@epa.gov>; Salo, Earl <Salo.Earl@epa.gov>; Swenson, Erik <Swenson.Erik@epa.gov>; Lewis, Jen <Lewis.Jen@epa.gov>
Cc: Jennings, Kim <Jennings.Kim@epa.gov>; Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Franklin, Kathy <Franklin.Kathy@epa.gov>
Subject: RE: ACTION: Capital Press re: farm emissions calculations

Attorney Client / Ex. 5

Attorney Client / Ex. 5

Kathy Franklin
USEPA, Office of Emergency Management
WJ Clinton North Bldg., Rm. 6450G Mailcode 5104A
1200 Pennsylvania Ave. NW, Washington, DC 20460 (Zip 20004 for private
courier delivery)
Phone: 202-564-7987
Email: franklin.kathy@epa.gov

From: Jacob, Sicy
Sent: Friday, December 08, 2017 4:34 PM
To: Franklin, Kathy <Franklin.Kathy@epa.gov>
Cc: Jennings, Kim <Jennings.Kim@epa.gov>; Gioffre, Patricia
<Gioffre.Patricia@epa.gov>
Subject: RE: ACTION: Capital Press re: farm emissions calculations

Attorney Client / Ex. 5

*Sicy Jacob
Chemical Engineer
Regulations Implementation Division
Office of Emergency Management
U.S. EPA, MailCode 5104A
1200 Pennsylvania Avenue, NW
Washington DC 20004
(202) 564-8019*

From: Franklin, Kathy
Sent: Friday, December 08, 2017 4:29 PM
To: Jacob, Sicy <Jacob.Sicy@epa.gov>
Cc: Jennings, Kim <Jennings.Kim@epa.gov>; Gioffre, Patricia <Gioffre.Patricia@epa.gov>
Subject: RE: ACTION: Capital Press re: farm emissions calculations

Deliberative Process / Ex. 5

Kathy Franklin
USEPA, Office of Emergency Management
WJ Clinton North Bldg., Rm. 6450G Mailcode 5104A
1200 Pennsylvania Ave. NW, Washington, DC 20460 (Zip 20004 for private courier delivery)
Phone: 202-564-7987
Email: franklin.kathy@epa.gov

From: Jacob, Sicy
Sent: Friday, December 08, 2017 4:23 PM
To: Franklin, Kathy <Franklin.Kathy@epa.gov>
Cc: Jennings, Kim <Jennings.Kim@epa.gov>; Gioffre, Patricia <Gioffre.Patricia@epa.gov>
Subject: RE: ACTION: Capital Press re: farm emissions calculations

Deliberative Process / Ex. 5

Here is the answer to the reporter's question on how you come up with

Deliberative Process / Ex. 5

*Sicy Jacob
Chemical Engineer
Regulations Implementation Division
Office of Emergency Management
U.S. EPA, MailCode 5104A
1200 Pennsylvania Avenue, NW
Washington DC 20004
(202) 564-8019*

From: Franklin, Kathy
Sent: Friday, December 08, 2017 4:16 PM
To: Jacob, Sicy <Jacob.Sicy@epa.gov>
Subject: RE: ACTION: Capital Press re: farm emissions calculations

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Kathy Franklin
USEPA, Office of Emergency Management
WJ Clinton North Bldg., Rm. 6450G Mailcode 5104A
1200 Pennsylvania Ave. NW, Washington, DC 20460 (Zip 20004 for private
courier delivery)
Phone: 202-564-7987
Email: franklin.kathy@epa.gov

From: Franklin, Kathy
Sent: Friday, December 08, 2017 2:06 PM
To: Roache, Brendan <Roache.Brendan@epa.gov>
Cc: Jacob, Sicy <Jacob.Sicy@epa.gov>; Gioffre, Patricia
<Gioffre.Patricia@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>
Subject: RE: ACTION: Capital Press re: farm emissions calculations

Just realized I sent to Sicy's Yahoo email before. Resending with correct email.

Kathy Franklin
USEPA, Office of Emergency Management
WJ Clinton North Bldg., Rm. 6450G Mailcode 5104A

1200 Pennsylvania Ave. NW, Washington, DC 20460 (Zip 20004 for private courier delivery)
Phone: 202-564-7987
Email: franklin.kathy@epa.gov

From: Franklin, Kathy
Sent: Friday, December 08, 2017 2:05 PM
To: Roache, Brendan <Roache.Brendan@epa.gov>
Cc: Sicy Jacob <sicyjacob1@yahoo.com>; Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>
Subject: RE: ACTION: Capital Press re: farm emissions calculations

Brendan: Sicy and I can draft answers today (and that may take up some time and Sicy has a conference call at 2:30 pm), but we would want to then run them by mgt and probably OGC for review and I think we would need Monday for that (Patty and Kim are out today). So can we get an extension until COB Monday?

Kathy Franklin
USEPA, Office of Emergency Management
WJ Clinton North Bldg., Rm. 6450G Mailcode 5104A
1200 Pennsylvania Ave. NW, Washington, DC 20460 (Zip 20004 for private courier delivery)
Phone: 202-564-7987
Email: franklin.kathy@epa.gov

From: Roache, Brendan
Sent: Friday, December 08, 2017 1:42 PM
To: Franklin, Kathy <Franklin.Kathy@epa.gov>
Subject: FW: ACTION: Capital Press re: farm emissions calculations

Hi, Kathy,

Press inquiry below. Please let me know if COB today is possible or if RID will need an extension.

Thank you.
Brendan Roache

From: Jones, Enesta
Sent: Friday, December 08, 2017 12:28 PM
To: Thomas, Latosha <Thomas.Latosha@epa.gov>; Taylor, Trish <Taylor.Trish@epa.gov>; Hyman Moore, Julie <Hyman.Julie@epa.gov>; Roache, Brendan <Roache.Brendan@epa.gov>; Cohen, Nancy <Cohen.Nancy@epa.gov>; Colip, Matthew <colip.matthew@epa.gov>; Cohen, Nancy <Cohen.Nancy@epa.gov>; Benjamin, Kent <Benjamin.Kent@epa.gov>
Cc: Jones, Enesta <Jones.Enesta@epa.gov>
Subject: ACTION: Capital Press re: farm emissions calculations

Good day!

Reporter: Don Jenkins

DDL: COB today

I am writing a story this morning about how farmers will calculate emissions for CERCLA. I talked to a professor who co-wrote an emissions calculator that EPA links to from its website offering guidance on complying with the reporting requirement. He said it would be nice if EPA offered clearer guidance. Such as providing estimates of how many cows, pigs or chickens it takes to reach the reporting threshold.

Does the EPA plan to provide more guidance? Will the EPA say the rule applies to farms of a certain size and doesn't apply to others? The EPA came up with an estimate of number of farms affected. How did it come up with that number?

From: Bates, Ronald [batesr2@anr.msu.edu]
Sent: 12/4/2017 6:53:44 PM
To: Campbell, Laura [lcampbe@michfb.com]; Doud, Laura (MDARD) [DoudL@michigan.gov]; geerlings@herbrucks.com; larry@julianvail.com; Birchmeier, Ernie [ebirchm@michfb.com]; mike.foote@michiganhorsecouncil.com; Ken Nobis [nobis@mimilk.com]; 'Dean Letter' [Letter@mimilk.com]; kelpinski@mipork.org; Sam Hines [hines@mipork.org]; Quackenbush, George [gquackenbush@mibeeff.org]; Burlew, Shelby [bollwah1@anr.msu.edu]; Rozeboom, Dale [rozeboom@msu.edu]; Gould, Kevin [gouldk@anr.msu.edu]; Van Lieu, Sally [sally.vanlieu@mi.usda.gov]; 'Reamer, Suzanne - NRCS, East Lansing, MI' [suzanne.reamer@mi.usda.gov]; james@cjdfarmconsulting.com; rdennings@denninsai.com; erupprecht@golder.com; allison@mipoultry.com; ss132000@yahoo.com; marketingdept@nthconsultants.com; ccourtade@dfamilk.com; sharon@milkmeansmore.org; Durham, Zachary (DEQ) [DurhamZ@michigan.gov]; McMahon, Megan (DEQ) [MCMAHONM1@michigan.gov]; Jacob, Sicy [Jacob.Sicy@epa.gov]; Entzminger, James [entzminger.james@epa.gov]; micattlemen@aol.com; Kelpinski, Joseph (MDARD) [kelpinskij@michigan.gov]; Appleby, Joshua (MDARD) [applebyj@michigan.gov]; gmay@sietsemafarm.com; Julien, Ashley (MDARD) [JulienA@michigan.gov]
CC: Washburn, Bruce (DEQ) [washburnb2@michigan.gov]; Young, Michael (DEQ) [YOUNGM1@michigan.gov]; Neil Bendixen [nbendixen@dfamilk.com]; Rudat, Dennis [drudat@michfb.com]
Subject: RE: Conference Call for CERCLA/EPCRA reporting in Michigan

Thanks Laura

From: Campbell, Laura [mailto:lcampbe@michfb.com]
Sent: Monday, December 04, 2017 1:04 PM
To: Doud, Laura (MDARD) <DoudL@michigan.gov>; geerlings@herbrucks.com; larry@julianvail.com; Birchmeier, Ernie <ebirchm@michfb.com>; mike.foote@michiganhorsecouncil.com; Ken Nobis <nobis@mimilk.com>; 'Dean Letter' <Letter@mimilk.com>; kelpinski@mipork.org; Sam Hines <hines@mipork.org>; Quackenbush, George <gquackenbush@mibeeff.org>; Burlew, Shelby <bollwah1@anr.msu.edu>; Bates, Ronald <batesr2@anr.msu.edu>; Rozeboom, Dale <rozeboom@msu.edu>; Gould, Kevin <gouldk@anr.msu.edu>; Van Lieu, Sally <sally.vanlieu@mi.usda.gov>; 'Reamer, Suzanne - NRCS, East Lansing, MI' <suzanne.reamer@mi.usda.gov>; james@cjdfarmconsulting.com; rdennings@denninsai.com; erupprecht@golder.com; allison@mipoultry.com; ss132000@yahoo.com; marketingdept@nthconsultants.com; ccourtade@dfamilk.com; sharon@milkmeansmore.org; Durham, Zachary (DEQ) <DurhamZ@michigan.gov>; McMahon, Megan (DEQ) <MCMAHONM1@michigan.gov>; Jacob, Sicy <Jacob.Sicy@epa.gov>; Entzminger, James <entzminger.james@epa.gov>; micattlemen@aol.com; Kelpinski, Joseph (MDARD) <kelpinskij@michigan.gov>; Appleby, Joshua (MDARD) <applebyj@michigan.gov>; gmay@sietsemafarm.com; Julien, Ashley (MDARD) <JulienA@michigan.gov>
Cc: Washburn, Bruce (DEQ) <WASHBURNB2@michigan.gov>; Young, Michael (DEQ) <YOUNGM1@michigan.gov>; Neil Bendixen <nbendixen@dfamilk.com>; Rudat, Dennis <drudat@michfb.com>
Subject: RE: Conference Call for CERCLA/EPCRA reporting in Michigan

Hi everyone, just FYI while things are getting set up for the common site for documents related to this new reporting requirement, here are the latest updates from EPA (<https://www.epa.gov/epcra/cercla-and-epcra-reporting-requirements-air-releases-hazardous-substances-animal-waste-farms>):

- 1) EPA's motion to stay the mandate was approved until **January 22, 2018**.
- 2) There are two new announcements in relation to questions we and others have asked:
 - a. Do farms that have cattle that reside primarily outside of an enclosed structure and graze on pastures, need to comply with reporting releases of hazardous substances from animal wastes under CERCLA section 103?**
 - i. Yes. EPA considers all contiguous property under common ownership to be a single facility for reporting purposes. For purposes of determining

whether you have a reportable release, a person must identify all of the sources of hazardous substances releases, identify the quantities that are emitted from each source, and aggregate the quantities released for the facility. In making this determination, farms should include all releases from the facility, including releases from animal waste due to animals that reside primarily outside of an enclosed structure.

b. If a farmer made an initial notification before the court issued the mandate, do they still need to submit a written report to the EPA regional office within 30 days?

- i. No. For those farmers who have already made their initial continuous release notification, the farmer may wait to submit the written report until the court issues the mandate. Within 30 days of the court mandate, the farmer must submit a written report to the EPA regional office. No additional call or email to the NRC is required.

Thanks!

Laura A. Campbell
Manager, Ag Ecology Department
Michigan Farm Bureau

Office: 517-679-5332 Cellular Phone / Ex. 6

Email: lcampbe@michfb.com

From: Doud, Laura (MDARD) [<mailto:DoudL@michigan.gov>]

Sent: Wednesday, November 22, 2017 8:47 AM

To: geerlings@herbrucks.com; larry@julianvail.com; Birchmeier, Ernie <ebirchm@michfb.com>; Campbell, Laura <lcampbe@michfb.com>; mike.foote@michiganhorsecouncil.com; Ken Nobis <nobis@mimilk.com>; 'Dean Letter' <Letter@mimilk.com>; kelpinski@mipork.org; Sam Hines <hines@mipork.org>; gquackenbush@mibeef.org; Burlew, Shelby <bolliwah1@anr.msu.edu>; batesr2@anr.msu.edu; DW Rozeboom <rozeboom@msu.edu>; Gould, Kevin <gouldk@anr.msu.edu>; Van Lieu, Sally <sally.vanlieu@mi.usda.gov>; 'Reamer, Suzanne - NRCS, East Lansing, MI' <suzanne.reamer@mi.usda.gov>; james@cjdfarmconsulting.com; rdennings@denninsai.com; erupprecht@golder.com; allison@mipoultry.com; ss132000@yahoo.com; marketingdept@nthconsultants.com; ccourtade@dfamilk.com; sharon@milkmeansmore.org; Durham, Zachary (DEQ) <DurhamZ@michigan.gov>; McMahon, Megan (DEQ) <MCMAHONM1@michigan.gov>; Jacob, Sicy <Jacob.Sicy@epa.gov>; Entzminger, James <entzminger.james@epa.gov>; micattlemen@aol.com; Kelpinski, Joseph (MDARD) <kelpinskij@michigan.gov>; Appleby, Joshua (MDARD) <applebyj@michigan.gov>; gmay@sietsemafarms.com; Julien, Ashley (MDARD) <JulienA@michigan.gov>

Cc: Washburn, Bruce (DEQ) <WASHBURNB2@michigan.gov>; Young, Michael (DEQ) <YOUNGM1@michigan.gov>; Neil Bendixen <nbendixen@dfamilk.com>

Subject: RE: Conference Call for CERCLA/EPCRA reporting in Michigan

This email was delivered from outside the Farm Bureau Family of Companies - Please do not click on links or open attachments unless you are sure of its content.

Here is the agenda and call in number for today's meeting.

Thanks!

Laura Doud, P.E.
517-898-4041

-----Original Appointment-----

From: Doud, Laura (MDARD)

Sent: Wednesday, November 15, 2017 8:40 AM

To: Doud, Laura (MDARD); geerlings@herbrucks.com; larry@julianvail.com; ebirchm@michfb.com; Campbell, Laura; mike.foote@michiganhorsecouncil.com; Ken Nobis; 'Dean Letter'; kelpinski@mipork.org; Sam Hines; gquackenbush@mibeef.org; Burlew, Shelby; batesr2@anr.msu.edu; DW Rozeboom; Gould, Kevin (gouldk@anr.msu.edu); Van Lieu, Sally; 'Reamer, Suzanne - NRCS, East Lansing, MI'; james@cjdfarmconsulting.com; rdennings@denninsai.com; erupprecht@golder.com; allison@mipoultry.com; ss132000@yahoo.com; marketingdept@nthconsultants.com; ccourtade@dfamilk.com; sharon@milkmeansmore.org; Durham, Zachary (DEQ); McMahon, Megan (DEQ); Jacob, Sicy; Entzminger, James; micattlemen@aol.com; Kelpinski, Joseph (MDARD); Appleby, Joshua (MDARD); gmay@sietsemafarms.com; Julien, Ashley (MDARD)

Cc: Washburn, Bruce (DEQ); Young, Michael (DEQ); Neil Bendixen

Subject: Conference Call for CERCLA/EPCRA reporting in Michigan

When: Wednesday, November 22, 2017 11:00 AM-12:00 PM (UTC-05:00) Eastern Time (US & Canada).

Where: CH-6N-RICHARD-VAN-DEUSEN

What: Michigan call related to the new reporting criteria for farms under CERCLA/EPCRA

Who: MDARD, MDEQ, EPA and Partners

When: Wednesday, November 22, 2017 at 11:00 AM

Where: John Hannah Conference Room and Conference Call

Conference Call Line:
Access Code:

In 2008, EPA finalized a rule to exempt all agriculture from CERCLA and small operations from EPCRA (anything smaller than a CAFO). This rule was challenged and overturned by the court in April 2017. As a result, agriculture must now report under these laws. The deadline for reporting has been extending beyond November 15, however, a plan for outreach to affected farms in Michigan needs to be determined.

Please join EPA, DEQ and MDARD as we discuss how Michigan will help agriculture meet these new reporting requirements. An agenda will be sent out next week before the meeting. Please forward as appropriate.

Please let me know if you plan on attending in person so I can make arrangements for building access.

Thanks!

Laura Doud, P.E.
Engineering Specialist
Michigan Department of Agriculture and Rural Development
517-898-4041

From: CERCLA103.guidance [CERCLA103.guidance@epa.gov]
Sent: 12/5/2017 9:40:27 PM
To: Jacob, Sicy [Jacob.Sicy@epa.gov]
Subject: FW: Comments of NPPC on CERCLA and EPCRA Reporting Requirements for Air Releases of Hazardous Substances from Animal Waste at Farms
Attachments: 20171201 - NPPC Comments On US EPA CERCLA Reporting Guidance.pdf

fyi

Kathy Franklin
USEPA, Office of Emergency Management
WJ Clinton North Bldg., Rm. 6450G Mailcode 5104A
1200 Pennsylvania Ave. NW, Washington, DC 20460 (Zip 20004 for private courier delivery)
Phone: 202-564-7987
Email: franklin.kathy@epa.gov

From: Michael Formica [mailto:formicam@nppc.org]
Sent: Friday, December 01, 2017 11:23 PM
To: CERCLA103.guidance <CERCLA103.guidance@epa.gov>
Cc: Jennings, Kim <Jennings.Kim@epa.gov>
Subject: Comments of NPPC on CERCLA and EPCRA Reporting Requirements for Air Releases of Hazardous Substances from Animal Waste at Farms

Ms. Kim Jennings, Acting Director
Regulations Implementation Division
US EPA Office of Emergency Management
Via email: CERCLA103.guidance@epa.gov

RE: Comments on US EPA Office of Emergency Management's guidance concerning CERCLA and EPCRA reporting requirements for air releases of hazardous substances from livestock farms.

Dear Ms. Jennings:

Please see below the comments of the National Pork Producers' Council (NPPC) regarding the recent guidance US EPA has issued on CERCLA and EPCRA reporting requirements for air releases of hazardous substances from animal waste at farms. We appreciate this opportunity to offer these comments and the fact that the Office of Emergency Management (OEM) considers this guidance to be "evergreen," and subject to change as new information or useful improvements become known. In general, we find this guidance to be clear, complete, and helpful, and we appreciate OEM's diligence in developing this under a challenging schedule.

Background on the U.S. Pork Industry

NPPC is an association of 43 state pork producer organizations that serves as the voice in Washington for the nation's pork producers. The U.S. pork industry represents a significant value-added activity in the agriculture economy and the overall U.S. economy. Nationwide, more than 68,000 pork producers marketed 115 million hogs in 2015, and those animals provided total gross income of more than \$26.4 billion. Pork producers are strong and vital contributors to value-added agriculture in the United States, and we are deeply committed to the economic health and vitality of our businesses and the communities that our livelihoods help support.

Just as importantly, though, pork producers take a broad view of what it means to be environmentally responsible farmers and business people, and we have fully embraced the fact that our pork producing operations must protect and conserve the environment and the resources we use and effect. We take this responsibility with the utmost seriousness and commitment, and it was in this spirit that our producer members have made a major commitment to environmental conservation.

The U.S. pork industry treats as its top goal meeting worldwide consumer demand while simultaneously protecting water, air and other environmental resources that are in our care or potentially affected by our operations. NPPC is proud of the reputation it and its members have earned for initiating innovative environmental improvement programs. NPPC and its producer members take an active role in advocacy at both the federal and state levels for both clean water and clean air environmental initiatives, and our members have committed themselves to achieving the highest levels of environmental performance.

Specific Comments on the Draft Guidance

In light of the court's decision to extend the stay of its mandate requiring emissions reporting until January 2018, most pork producers likely have not filed emission reports yet. However, due to the late nature of the court's decision, a large number of pork producers (including some of the largest producers) have gone through the process of reporting their emissions. These comments are based upon our extensive conversations within the pork industry and on the experience of those producers who have already made initial notifications as well as some who have already filed written reports with the appropriate EPA regional office.

1. Requirements for Operations Participating In an Air Compliance Agreement (ACA).

NPPC concurs with US EPA's guidance that a facility covered under an ACA and in compliance with its provisions need not provide further reports of their air releases of hazardous substances from animal wastes under CERCLA and EPCRA. However, we believe it would be helpful to producers with facilities that are covered under an ACA if this guidance could provide additional information as to what US EPA considers to be compliance with an ACA. In general terms, we understand ACA compliance to involve two sets of actions separated in time. The first set entails those actions that were required of producers to obtain a valid, signed ACA with the agency. The second set of actions would be triggered, within certain specific time frames, once US EPA has developed final Emissions Estimating Methodologies using the data from the National Air Emissions Monitoring Study or from other sources approved by US EPA.

NPPC recommends that EPA's guidance discuss in some manner "compliance" with an ACA in these two contexts to help producers understand their facilities' status under an ACA. For example, it is our understanding that an ACA applies to a facility, and that the facility may remain in compliance with the ACA even if the ownership of the facility changes. These and other questions persist in the minds of producers' who have ACA-covered facilities. Whatever clarification you can offer would be greatly appreciated.

2. Reporting Unit Under CERCLA.

In general, producers understand that they may report continuous release emissions from their animals' manure as an estimate of the quantity for the entire farm. While there may be more than one housing area for animals on the farm, or a separate manure storage or treatment area, reporting an estimate from these areas in aggregate is sensible, given the nature of continuous releases from manure and the high degree of uncertainty of emissions rates in general, let alone from any particular area where manure is located on the farm. It would be helpful to producers if this guidance could provide US EPA's views on the appropriateness of this approach to reporting emissions.

3. Follow-Up Reporting Requirements.

NPPC finds that there is little or no useful information for US EPA or the public to gain from the requirement under current rules that producers submit a one-year follow up report to US EPA confirming the initial emissions estimates reported as required under 40 CFR § 302.8(f). Similarly, there is little value in the requirement under 40 CFR § 302.8(g)(3) that a new report be submitted if the ownership of the facility has changed, if there has been a change in employees working at a farm, or if other changes in the reports (unrelated to the rate of emissions) occur. We encourage US EPA to conduct a rulemaking that removes these requirements. These releases do not constitute a hazard sufficient to warrant the burden and potential liabilities these requirements impose on producers. The biological activity that creates these emissions types are fundamental to natural ecological cycles and have been part of agriculture from its very beginning. Given the lack of any established public health concerns due to these releases, and the practical challenges to estimating the rate of these emissions (as the guidance discusses), the value and need for these requirements is highly limited at best, and its costs far outweigh its benefits.

4. Duns and Bradstreet Number.

40 C.F.R. § 302.8(e)(1)(i), as well as US EPA's online templates for reporting of continuous releases, requires that a Duns and Bradstreet number to be supplied (if available). This has become a source of much confusion to producers. We believe the provision of this number in this context is not necessary and if US EPA concurs, we encourage you to make this clear in the guidance.

5. Precision of Estimates of Human Population Near Farms

40 C.F.R. § 302.8(e)(1)(ii) and (iii), as well as US EPA's online templates for reporting of continuous releases calls for an estimate of the number of people living within a certain radius from the farm and an estimate of the number of people considered part of a "sensitive" population within that radius.

Pork producers want to give correct answers to these questions, but most are unsure of how to accurately calculate these figures or where to find accurate and up to date figures that they can use. Furthermore, in light of the previously discussed concerns over follow up reporting requirements, pork producers are also concerned that they may incur liability from future changes in population density that are beyond their control and for which they have no knowledge of. Given the resulting uncertainty, producers are worried about liability that may arise if some parties find their estimates to be incorrect. We ask that the guidance provide more information about what is expected in this instance and the degree of precision required, as well as suggestions as to resources the producers might be able to turn to help them make these estimates.

6. Precision of Identification of Sensitive Ecological Resources Near Farms.

Like the situation explained in item (5) above, 40 C.F.R. § 302.8(e)(1)(iii) requires that farmers also identify sensitive ecological resources within a certain radius of their farms. Farmers want to give correct answers to these questions, but the guidance is unclear as to how a farmer might identify what the agency considers to be “sensitive” in this instance. As above, producers are worried about liability that may arise if some parties find their estimates to be incorrect. We ask that the guidance provide more information about what is expected in this instance and the degree of precision required, as well as suggestions as to resources the producers might be able to turn to help them make these estimates.

7. Initial Reporting Mechanism and Deadline for Submission of Written Reports

Not surprisingly, many producers who tried to make reports prior to the original expected November 15th reporting deadline found it difficult to get through using the NRC emergency response phone number. EPA’s creation of an electronic reporting function, via email, seems to have worked well for those producers who have reported emissions already. Its development is greatly appreciated. However, under 40 C.F.R. §302.8(c)(1) requires an initial telephone notification. We would encourage EPA to consider including in a future rulemaking regulatory language clearly establishing the ability to use email or other electronic means for reporting emissions.

Separately, as you are aware, the D.C. Circuit has delayed the issuance of its mandate until January. Most producers who have made their initial notification have not submitted their written report to EPA’s regional office. It would be helpful for EPA’s guidance to provide some clarification to them on whether they are still required to report within 30 days of making their initial notification, or if submission of their written reports can be delayed until after the Court’s mandate is issued and reporting is required.

Thank you again for your continued attention to this issue and efforts to ease the burden of this unfortunate reporting requirement on America’s livestock farmers. EPA’s hard work is greatly appreciated, as is the opportunity to continue to provide comment and work with the agency on this guidance. Since the guidance is “evergreen”, we may reach out to you again with further questions, concerns, and suggestions. Thank you again for your time and consideration.

Sincerely,

Michael C. Formica

Assistant Vice President & Legal Counsel, Domestic Policy
National Pork Producers Council

December 1, 2017

Ms. Kim Jennings, Acting Director
Regulations Implementation Division
US EPA Office of Emergency Management
Via email: CERCLA103.guidance@epa.gov

**RE: Comments on US EPA Office of Emergency Management's guidance
concerning CERCLA and EPCRA reporting requirements for air releases of
hazardous substances from livestock farms.**

Dear Ms. Jennings:

Please see below the comments of the National Pork Producers' Council (NPPC) regarding the recent guidance US EPA has issued on CERCLA and EPCRA reporting requirements for air releases of hazardous substances from animal waste at farms. We appreciate this opportunity to offer these comments and the fact that the Office of Emergency Management (OEM) considers this guidance to be "evergreen," and subject to change as new information or useful improvements become known. In general, we find this guidance to be clear, complete, and helpful, and we appreciate OEM's diligence in developing this under a challenging schedule.

Background on the U.S. Pork Industry

NPPC is an association of 43 state pork producer organizations that serves as the voice in Washington for the nation's pork producers. The U.S. pork industry represents a significant value-added activity in the agriculture economy and the overall U.S. economy. Nationwide, more than 68,000 pork producers marketed 115 million hogs in 2015, and those animals provided total gross income of more than \$26.4 billion. Pork producers are strong and vital contributors to value-added agriculture in the United States, and we are deeply committed to the economic health and vitality of our businesses and the communities that our livelihoods help support.

Just as importantly, though, pork producers take a broad view of what it means to be environmentally responsible farmers and business people, and we have fully embraced the fact that our pork producing operations must protect and conserve the environment and the resources we use and effect. We take this responsibility with the utmost seriousness and commitment, and it was in this spirit that our producer members have made a major commitment to environmental conservation.

The U.S. pork industry treats as its top goal meeting worldwide consumer demand while simultaneously protecting water, air and other environmental resources that are in our care or potentially affected by our operations. NPPC is proud of the reputation it and its members have earned for initiating innovative environmental improvement programs. NPPC and its producer members take an active role in advocacy at both the federal and state levels for both clean water and clean air environmental initiatives, and our members have committed themselves to achieving the highest levels of environmental performance.

Specific Comments on the Draft Guidance

In light of the court's decision to extend the stay of its mandate requiring emissions reporting until January 2018, most pork producers likely have not filed emission reports yet. However, due to the late nature of the court's decision, a large number of pork producers (including some of the largest producers) have gone through the process of reporting their emissions. These comments are based upon our extensive conversations within the pork industry and on the experience of those producers who have already made initial notifications as well as some who have already filed written reports with the appropriate EPA regional office.

1. Requirements for Operations Participating In an Air Compliance Agreement (ACA).

NPPC concurs with US EPA's guidance that a facility covered under an ACA and in compliance with its provisions need not provide further reports of their air releases of hazardous substances from animal wastes under CERCLA and EPCRA. However, we believe it would be helpful to producers with facilities that are covered under an ACA if this guidance could provide additional information as to what US EPA considers to be compliance with an ACA. In general terms, we understand ACA compliance to involve two sets of actions separated in time. The first set entails those actions that were required of producers to obtain a valid, signed ACA with the agency. The second set of actions would be triggered, within certain specific time frames, once US EPA has developed final Emissions Estimating Methodologies using the data from the National Air Emissions Monitoring Study or from other sources approved by US EPA.

NPPC recommends that EPA's guidance discuss in some manner "compliance" with an ACA in these two contexts to help producers understand their facilities' status under an ACA. For example, it is our understanding that an ACA applies to a facility, and that the facility may remain in compliance with the ACA even if the ownership of the facility changes. These and other questions persist in the minds of producers' who have ACA-covered facilities. Whatever clarification you can offer would be greatly appreciated.

2. Reporting Unit Under CERCLA.

In general, producers understand that they may report continuous release emissions from their animals' manure as an estimate of the quantity for the entire farm. While there may be more than one housing area for animals on the farm, or a separate manure storage or treatment area, reporting an estimate from these areas in aggregate is sensible, given the nature of continuous releases from manure and the high degree of uncertainty of emissions rates in general, let alone from any particular area where manure is located on the farm. It would be helpful to producers if this guidance could provide US EPA's views on the appropriateness of this approach to reporting emissions.

3. Follow-Up Reporting Requirements.

NPPC finds that there is little or no useful information for US EPA or the public to gain from the requirement under current rules that producers submit a one-year follow up report to US EPA confirming the initial emissions estimates reported as required under 40 CFR § 302.8(f). Similarly, there is little value in the requirement under 40 CFR § 302.8(g)(3) that a new report be submitted if the ownership of the facility has changed, if there has been a change in employees working at a farm, or if other changes in the reports (unrelated to the rate of emissions) occur. We encourage US EPA to conduct a rulemaking that removes these requirements. These releases do not constitute a hazard sufficient to warrant the burden and potential liabilities these requirements impose on producers. The biological activity that creates these emissions types are fundamental to natural ecological cycles and have been part of agriculture from its very beginning. Given the lack of any established public health concerns due to these releases, and the practical challenges to estimating the rate of these emissions (as the guidance discusses), the value and need for these requirements is highly limited at best, and its costs far outweigh its benefits.

4. Duns and Bradstreet Number.

40 C.F.R. § 302.8(e)(1)(i), as well as US EPA's online templates for reporting of continuous releases, requires that a Duns and Bradstreet number to be supplied (if available). This has become a source of much confusion to producers. We believe the provision of this number in this context is not necessary and if US EPA concurs, we encourage you to make this clear in the guidance.

5. Precision of Estimates of Human Population Near Farms

40 C.F.R. § 302.8(e)(1)(ii) and (iii), as well as US EPA's online templates for reporting of continuous releases calls for an estimate of the number of people living within a certain radius from the farm and an estimate of the number of people considered part of a "sensitive" population within that radius.

Pork producers want to give correct answers to these questions, but most are unsure of how to accurately calculate these figures or where to find accurate and up to date figures that they can use. Furthermore, in light of the previously discussed concerns over follow up reporting requirements, pork producers are also concerned that they may incur liability from future changes in population density that are beyond their control and for which they have no knowledge of. Given the resulting uncertainty, producers are worried about liability that may arise if some parties find their estimates to be incorrect. We ask that the guidance provide more information about what is expected in this instance and the degree of precision required, as well as suggestions as to resources the producers might be able to turn to help them make these estimates.

6. Precision of Identification of Sensitive Ecological Resources Near Farms.

Like the situation explained in item (5) above, 40 C.F.R. § 302.8(e)(1)(iii) requires that farmers also identify sensitive ecological resources within a certain radius of their farms. Farmers want to give correct answers to these questions, but the guidance is unclear as to how a farmer might identify what the agency considers to be “sensitive” in this instance. As above, producers are worried about liability that may arise if some parties find their estimates to be incorrect. We ask that the guidance provide more information about what is expected in this instance and the degree of precision required, as well as suggestions as to resources the producers might be able to turn to help them make these estimates.


7. Initial Reporting Mechanism and Deadline for Submission of Written Reports

Not surprisingly, many producers who tried to make reports prior to the original expected November 15th reporting deadline found it difficult to get through using the NRC emergency response phone number. EPA’s creation of an electronic reporting function, via email, seems to have worked well for those producers who have reported emissions already. Its development is greatly appreciated. However, under 40 C.F.R. §302.8(c)(1) requires an initial telephone notification. We would encourage EPA to consider including in a future rulemaking regulatory language clearly establishing the ability to use email or other electronic means for reporting emissions.

Separately, as you are aware, the D.C. Circuit has delayed the issuance of its mandate until January. Most producers who have made their initial notification have not submitted their written report to EPA’s regional office. It would be helpful for EPA’s guidance to provide some clarification to them on whether they are still required to report within 30 days of making their initial notification, or if submission of their written reports can be delayed until after the Court’s mandate is issued and reporting is required.

Thank you again for your continued attention to this issue and efforts to ease the burden of this unfortunate reporting requirement on America’s livestock farmers. EPA’s hard work is greatly appreciated, as is the opportunity to continue to provide comment and work with the agency on this guidance. Since the guidance is “evergreen”, we may reach out to you again with further questions, concerns, and suggestions. Thank you again for your time and consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael C. Formica", followed by a long horizontal line extending to the right.

Michael C. Formica
Assistant Vice President & Legal Counsel
National Pork Producers Council

Message

From: Gioffre, Patricia [Gioffre.Patricia@epa.gov]
Sent: 3/28/2018 4:45:58 PM
To: Franklin, Kathy [Franklin.Kathy@epa.gov]; Jacob, Sicy [Jacob.Sicy@epa.gov]; Jennings, Kim [Jennings.Kim@epa.gov]; ODea, Elise [odea.elise@epa.gov]; Michaud, John [Michaud.John@epa.gov]
CC: Thomas, Latosha [Thomas.Latosha@epa.gov]
Subject: RE: Update to FARMS Fact Sheet for up coming OLEM budget hearings
Attachments: FY19_BH_OEM_6_CERCLA_EPCRA_Reporting_comments 3-28-18 KF editsPG.docx

My comments are attached.

Patty Gioffre
USEPA/OLEM/OEM/RID
202-564-1972
202-748-7139 (cell)

From: Franklin, Kathy
Sent: Wednesday, March 28, 2018 10:08 AM
To: Jacob, Sicy <Jacob.Sicy@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>; Gioffre, Patricia <Gioffre.Patricia@epa.gov>; ODea, Elise <odea.elise@epa.gov>; Michaud, John <Michaud.John@epa.gov>
Cc: Thomas, Latosha <Thomas.Latosha@epa.gov>
Subject: RE: Update to FARMS Fact Sheet for up coming OLEM budget hearings

Attached are my comments on the FARMS fact sheet.

Kathy Franklin
USEPA, Office of Emergency Management
WJ Clinton North Bldg., Rm. 6450G Mailcode 5104A
1200 Pennsylvania Ave. NW, Washington, DC 20460 (Zip 20004 for private courier delivery)
Phone: 202-564-7987
Email: franklin.kathy@epa.gov

From: Jacob, Sicy
Sent: Wednesday, March 28, 2018 10:07 AM
To: Jennings, Kim <Jennings.Kim@epa.gov>; Gioffre, Patricia <Gioffre.Patricia@epa.gov>; ODea, Elise <odea.elise@epa.gov>; Franklin, Kathy <Franklin.Kathy@epa.gov>; Michaud, John <Michaud.John@epa.gov>
Cc: Thomas, Latosha <Thomas.Latosha@epa.gov>
Subject: RE: Update to FARMS Fact Sheet for up coming OLEM budget hearings

Attached are my comments/suggestions. Thanks.

Sicy Jacob
Chemical Engineer
Regulations Implementation Division
Office of Emergency Management
U.S. EPA, MailCode 5104A

1200 Pennsylvania Avenue, NW
Washington DC 20004
(202) 564-8019

From: Jennings, Kim
Sent: Wednesday, March 28, 2018 9:26 AM
To: Gioffre, Patricia <Gioffre.Patricia@epa.gov>; ODea, Elise <odea.elise@epa.gov>; Jacob, Sicy <Jacob.Sicy@epa.gov>; Franklin, Kathy <Franklin.Kathy@epa.gov>; Michaud, John <Michaud.John@epa.gov>
Cc: Thomas, Latosha <Thomas.Latosha@epa.gov>
Subject: Update to FARMS Fact Sheet for up coming OLEM budget hearings

Hi all,

We have revised our budget factsheet on the CERCLA/EPCRA reporting requirements for farms to reflect recent events.

Could you please take a quick look and send any comment to Latosha. We need to get this to our OLEM budget folks today.

Thanks,
Kim

Kim Jennings
Division Director || Regulations Implementation Division
U.S. Environmental Protection Agency || Office of Emergency Management
E-mail: jennings.kim@epa.gov || Desk: (202) 564-7998 ||

From: Thomas, Latosha
Sent: Wednesday, March 28, 2018 8:49 AM
To: Jennings, Kim <Jennings.Kim@epa.gov>
Subject: FW: Update to FARMS Fact Sheet

FYI

Latosha Thomas
U.S. Environmental Protection Agency
OLEM/OEM/RMD
(202) 564-2621 (desk)
(202) 568-0851 (cell)
thomas.latosha@epa.gov

From: Guarneiri, Lisa
Sent: Tuesday, March 27, 2018 12:33 PM
To: Thomas, Latosha <Thomas.Latosha@epa.gov>
Subject: FW: Update to FARMS Fact Sheet

Hi Latosha
At your earliest convenience (ASAP) sometime this week CERCLA and anything on EPCRA....
Attached is the OLEM FS to update.
THANKS
-lg

Lisa Guarneiri

From: Sebring, Meredith
Sent: Tuesday, March 27, 2018 12:24 PM
To: Guarneiri, Lisa <Guarneiri.Lisa@epa.gov>; Hyman Moore, Julie <Hyman.Julie@epa.gov>
Subject: Update to Fact Sheet

Hi there,

Can you all please update this fact sheet to reflect the passage of the FARM Act in the Omnibus?

Meridith Sebring
OLEM/ARMS
Office: 202-566-1909
Cell: 202-595-4848

Message

From: Gioffre, Patricia [Gioffre.Patricia@epa.gov]
Sent: 11/15/2017 4:19:48 PM
To: Lee, Eugene [Lee.Eugene@epa.gov]
CC: Jennings, Kim [Jennings.Kim@epa.gov]; Jacob, Sicy [Jacob.Sicy@epa.gov]; Irizarry, Gilberto [Irizarry.Gilberto@epa.gov]
Subject: RE: Update on Farm Rule and Impact on NRC Notifications

Sure:

NRC issue

OEM has been exploring options to reduce the burden to the NRC phone duty officers. Since last week, OEM/NRC have established an email notification option to allow farmers to submit an email to the NRC in lieu of a telephone call.

- EPA has updated the website to communicate this option to regulated stakeholders and encourage email notifications <https://www.epa.gov/epcra/cercla-and-epcra-reporting-requirements-air-releases-hazardous-substances-animal-waste-farms>
- At this time, the NRC is directing all callers to submit an email notification to NRC-CERCLA-EPCRA-REPORT@uscg.mil.
 - NRC is not accepting continuous release notifications by telephone

EPA continues to coordinate with the NRC on how to manage the call volume while finding a way to provide support to farmers with limited access to email.

Court Motion to Delay Mandate

- Waterkeeper, et al have filed a motion opposing an additional delay.
- Meanwhile the National Pork Producers Council, et. al, filed a motion supporting the delay.
- NRC has also sent a declaration indicating the impact of the call volume on their operations.

As of the time of this email, the DC Circuit Court has not announced a decision. The court must issue the mandate in order for it to become effective (thereby implementing the requirement for farmers to begin reporting). The court has not yet issued the mandate.

We will continue to send updates on the CERCLA/EPCRA reporting issue as new information becomes available.

Patty Gioffre
US EPA/OLEM/OEM
202-564-1972
202-748-7139 (cell)

[Follow OLEM](#) on Twitter @EPALand

From: Lee, Eugene
Sent: Tuesday, November 14, 2017 4:58 PM
To: Gioffre, Patricia <Gioffre.Patricia@epa.gov>
Cc: Jennings, Kim <Jennings.Kim@epa.gov>; Jacob, Sicy <Jacob.Sicy@epa.gov>; Irizarry, Gilberto <Irizarry.Gilberto@epa.gov>
Subject: RE: Update on Farm Rule and Impact on NRC Notifications

Patty,

We'd like to provide an update to the Regional Removal Managers before our call tomorrow at 2 PM.

Could you please provide an update to the message we sent last week?

EL

From: Lee, Eugene
Sent: Thursday, November 9, 2017 4:52 PM
To: Gioffre, Patricia <Gioffre.Patricia@epa.gov>
Cc: Jennings, Kim <Jennings.Kim@epa.gov>; Jacob, Sicy <Jacob.Sicy@epa.gov>; Irizarry, Gilberto <Irizarry.Gilberto@epa.gov>
Subject: RE: Update on Farm Rule and Impact on NRC Notifications

Patty,

I saw that OEI prioritized the creation of a shared email address/account to support this effort.

Please let me know when you think we should send an update to the message to the RMs to let them know what additional steps have been taken and any developments.

We have heard from a couple of the REOC Managers today that their duty officers are continuing to get numerous notifications via the NRC.

Thanks and have a great holiday weekend!

Eugene

From: Gioffre, Patricia
Sent: Wednesday, November 8, 2017 4:32 PM
To: Lee, Eugene <Lee.Eugene@epa.gov>
Cc: Jennings, Kim <Jennings.Kim@epa.gov>; Jacob, Sicy <Jacob.Sicy@epa.gov>
Subject: RE: Update on Farm Rule and Impact on NRC Notifications

This is great! Thanks Eugene.

Patty Gioffre
US EPA/OLEM/OEM
202-564-1972
202-748-7139 (cell)

[Follow OLEM on Twitter @EPALand](#)

From: Lee, Eugene
Sent: Wednesday, November 08, 2017 3:02 PM
To: OLEM OEM REMOVAL MANAGERS <OLEMOEMREMOVALMANAGERS@epa.gov>; Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Jacob, Sicy <Jacob.Sicy@epa.gov>
Subject: Update on Farm Rule and Impact on NRC Notifications

Removal Managers & REOC Managers,

Recently, there has been an increase in the volume of reports issued by the NRC. This is because of an upcoming deadline that requires farmers to comply with CERCLA and EPCRA reporting requirements for ammonia and hydrogen sulfide releases from animal waste at farms. Between November 7 and 8, the NRC received 154 notifications which subsequently went out to your Regional Duty Officers by email and/or phone call. We are working with the NRC to determine how to:

- manage the increased volume of calls;
- communicate to federal, state, local response agencies that this is an administrative reporting requirement;
- reduce the burden on Regional Duty Officers.

Background

In 2008, EPA published a final rule that exempted most farms from reporting ammonia and hydrogen sulfide releases from animal wastes under CERCLA and EPCRA. On April 11, 2017, the Court struck down the final rule, eliminating the reporting exemptions for farms.

EPA sought additional time from the Court to delay the effective date to develop guidance materials to help farmers understand their reporting obligations. Unless the DC Circuit Court takes further action, the court's ruling takes effect on **November 15, 2017**.

EPA developed a website to assist farmers in understanding the reporting requirements

<https://www.epa.gov/epcra/cercla-and-epcra-reporting-requirements-air-releases-hazardous-substances-animal-waste-farms>. The website includes FAQs on CERCLA and EPCRA reporting and instructions on how to submit continuous release reports. As a result, farmers are now calling the NRC to make an initial continuous release notification.

The Call Center is now set-up to provide compliance assistance:

EPCRA, RMP & OIL Information Center.

Toll free at 1-800-424-9346

In Washington DC area (703) 348-5070

The call center operates Monday thru Friday 10:00 am – 5:00 pm EST.

Next Steps

- EPA filed a motion with the court to delay the **November 15, 2017** date to **January 17, 2018**. EPA will coordinate with affected stakeholders once the court decides whether to extend the effective date.
- EPA will continue to work with the NRC to find ways for farmers to comply with the reporting requirements while minimizing the impact to the NRC.
- EPA will work with the NRC to reduce the burden on regional Duty Officers.

For additional questions on the rule, please contact Sicy Jacob, RID (jacob.sicy@epa.gov, 202-564-8019).

For additional questions on our work with the NRC on handling notifications, please contact Eugene Lee, PROD (lee.eugene@epa.gov, 202-564-7988). Also note, we have this issue for discussion as an agenda item on the next RM Call (Wednesday, November 15).

Regards,

Eugene

Eugene Lee, Chief
Emergency Operations Center and Continuity Branch (ECB)
Preparedness & Response Ops. Div. (PROD)
US EPA Office of Emergency Management
O: 202-564-7988
C: 202-441-3202

Message

From: Franklin, Kathy [Franklin.Kathy@epa.gov]
Sent: 3/28/2018 2:07:57 PM
To: Jacob, Sicy [Jacob.Sicy@epa.gov]; Jennings, Kim [Jennings.Kim@epa.gov]; Gioffre, Patricia [Gioffre.Patricia@epa.gov]; ODea, Elise [odea.elise@epa.gov]; Michaud, John [Michaud.John@epa.gov]
CC: Thomas, Latosha [Thomas.Latosha@epa.gov]
Subject: RE: Update to FARMS Fact Sheet for up coming OLEM budget hearings
Attachments: FY19_BH_OEM_6_CERCLA_EPCRA_Reporting_comments 3-28-18 KF edits.docx

Attached are my comments on the FARMS fact sheet.

Kathy Franklin
USEPA, Office of Emergency Management
WJ Clinton North Bldg., Rm. 6450G Mailcode 5104A
1200 Pennsylvania Ave. NW, Washington, DC 20460 (Zip 20004 for private courier delivery)
Phone: 202-564-7987
Email: franklin.kathy@epa.gov

From: Jacob, Sicy
Sent: Wednesday, March 28, 2018 10:07 AM
To: Jennings, Kim <Jennings.Kim@epa.gov>; Gioffre, Patricia <Gioffre.Patricia@epa.gov>; ODea, Elise <odea.elise@epa.gov>; Franklin, Kathy <Franklin.Kathy@epa.gov>; Michaud, John <Michaud.John@epa.gov>
Cc: Thomas, Latosha <Thomas.Latosha@epa.gov>
Subject: RE: Update to FARMS Fact Sheet for up coming OLEM budget hearings

Attached are my comments/suggestions. Thanks.

Sicy Jacob
Chemical Engineer
Regulations Implementation Division
Office of Emergency Management
U.S. EPA, MailCode 5104A
1200 Pennsylvania Avenue, NW
Washington DC 20004
(202) 564-8019

From: Jennings, Kim
Sent: Wednesday, March 28, 2018 9:26 AM
To: Gioffre, Patricia <Gioffre.Patricia@epa.gov>; ODea, Elise <odea.elise@epa.gov>; Jacob, Sicy <Jacob.Sicy@epa.gov>; Franklin, Kathy <Franklin.Kathy@epa.gov>; Michaud, John <Michaud.John@epa.gov>
Cc: Thomas, Latosha <Thomas.Latosha@epa.gov>
Subject: Update to FARMS Fact Sheet for up coming OLEM budget hearings

Hi all,

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Could you please take a quick look and send any comment to Latosha. We need to get this to our OLEM budget folks today.

Thanks,
Kim

Kim Jennings
Division Director || Regulations Implementation Division
U.S. Environmental Protection Agency || Office of Emergency Management
E-mail: jennings.kim@epa.gov || Desk: (202) 564-7998 ||

From: Thomas, Latosha
Sent: Wednesday, March 28, 2018 8:49 AM
To: Jennings, Kim <Jennings.Kim@epa.gov>
Subject: FW: Update to FARMS Fact Sheet

FYI

Latosha Thomas
U.S. Environmental Protection Agency
OLEM/OEM/RMD
(202) 564-2621 (desk)
(202) 568-0851 (cell)
thomas.latosha@epa.gov

From: Guarneiri, Lisa
Sent: Tuesday, March 27, 2018 12:33 PM
To: Thomas, Latosha <Thomas.Latosha@epa.gov>
Subject: FW: Update to FARMS Fact Sheet

Hi Latosha
At your earliest convenience (ASAP) sometime this week CERCLA and anything on EPCRA....
Attached is the OLEM FS to update.
THANKS
-lg

~~Lisa Guarneiri~~
U.S. Environmental Protection Agency || Office of Emergency Management - RMD
E-mail: guarneiri.lisa@epa.gov || Desk: (202) 564-7997 ||

From: Sebring, Meridith
Sent: Tuesday, March 27, 2018 12:24 PM
To: Guarneiri, Lisa <Guarneiri.Lisa@epa.gov>; Hyman Moore, Julie <Hyman.Julie@epa.gov>
Subject: Update to Fact Sheet

Hi there,

Can you all please update this fact sheet to reflect the passage of the FARM Act in the Omnibus?

Meridith Sebring
OLEM/ARMS
Office: 202-566-1909
Cell: 202-595-4848

Message

From: Mason, Steve [mason.steve@epa.gov]
Sent: 11/17/2017 2:20:08 PM
To: Jacob, Sicy [Jacob.Sicy@epa.gov]; Lawrence, Kathryn [Lawrence.Kathryn@epa.gov]; Jennings, Kim [Jennings.Kim@epa.gov]
CC: jones, bill [jones.bill@epa.gov]
Subject: RE: IMPORTANT follow-up to the EPCRA/CERCLA Ag issues

We're waiting on pins and needles...

With Regards, Steve



Stephen Mason
EPA Region 8 (8SF-PE)
1445 Ross Avenue, Dallas, TX 75202
214-865-2276
mason.steve@epa.gov

"Frequently, my thoughts get bored and walk down to my mouth. Often, this is a bad thing."

From: Jacob, Sicy
Sent: Friday, November 17, 2017 8:19 AM
To: Lawrence, Kathryn <Lawrence.Kathryn@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>
Cc: Mason, Steve <mason.steve@epa.gov>; jones, bill <jones.bill@epa.gov>; Meer, Daniel <Meer.Daniel@epa.gov>; Haas, Craig <Haas.Craig@epa.gov>
Subject: RE: IMPORTANT follow-up to the EPCRA/CERCLA Ag issues

Hi, you have the correct info (current) from the website. No reporting obligation until the court makes a decision. So, we sit tight until then. We will let you know if we hear anything.

Thanks.

Sicy Jacob
Chemical Engineer
Regulations Implementation Division
Office of Emergency Management
U.S. EPA, MailCode 5104A
1200 Pennsylvania Avenue, NW
Washington DC 20004
(202) 564-8019

From: Lawrence, Kathryn
Sent: Thursday, November 16, 2017 7:53 PM
To: Jennings, Kim <Jennings.Kim@epa.gov>
Cc: Mason, Steve <mason.steve@epa.gov>; jones, bill <jones.bill@epa.gov>; Jacob, Sicy <Jacob.Sicy@epa.gov>; Meer, Daniel <Meer.Daniel@epa.gov>; Haas, Craig <Haas.Craig@epa.gov>
Subject: RE: IMPORTANT follow-up to the EPCRA/CERCLA Ag issues

Hi Kim & Sicy

Has the guidance from Kim's Tuesday message Changed? I don't recall this being covered on yesterday's call either.

The website is now showing the following which suggests that no reporting obligation was triggered on November 15/16:

- Farms with continuous releases do not have to submit their initial continuous release notification until the DC Circuit Court of Appeals issues its order, or mandate, enforcing the Court's opinion of April 11, 2017. No reporting is necessary until the mandate is issued.

EPA will update this website once the mandate is issued and as new information becomes available.

To expedite your initial continuous release notification to the National Response Center, you may use the temporary email option. This option avoids potential large call volumes and delays. It allows one email notification for owners/operators with multiple farms.

From: Jennings, Kim

Sent: Tuesday, November 14, 2017 10:01 AM

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Subject: IMPORTANT follow-up to the EPCRA/CERCLA Ag issues

Hi all (sorry if some of you are getting this twice),

I wanted to update on the EPCRA/CERCLA Ag issue. As you know, on April 11, 2017, the Court struck down the EPCRA/CERCLA final rule, eliminating the reporting exemptions for farms. Unless the DC Circuit Court takes further action, the court's ruling takes effect on **November 15, 2017**. Several weeks ago, EPA provided guidance materials to help farmers understand their reporting obligations and, that guidance for farm owners/operators on our website at: <https://www.epa.gov/epcra/cercla-and-epcra-reporting-requirements-air-releases-hazardous-substances-animal-waste-farms>. The website includes FAQs on CERCLA and EPCRA reporting and instructions on how to submit continuous release reports. As a result, farmers are now calling the NRC to make an initial continuous release notification.

Several issues have arisen related to farmer owners/operators making their initial continuous release notification to the National Response Center (NRC). First, the NRC is experiencing a large volume of calls, which have the potential to overwhelm their capacity. Second, the automated system the NRC uses to ensure release notifications get to the appropriate Federal, State, and local response officials, has resulted in some State and local officials calling the farm owners/operators to get more information about the release they reported and what response is needed. In order to resolve these issues, EPA has been working with the NRC program officials and made the following changes:

- The NRC has established an e-mail notification system so farm owners/operators can email their continuous release reports to the NRC, as an alternative to calling the NRC. Farmers who have multiple farms can list the name and location of all farms, as well as the associated name(s) of hazardous substance(s) released, in one e-mail. Please encourage farmers to use this e-mail option to provide the National Response Center (NRC) with their initial continuous release notification. The NRC e-mail address is: NRC-CERCLA-EPCRA-REPORT@uscg.mil. Alternatively, the NRC phone number for these notifications is: 1-800-424-8802.
- Once the email is received by the NRC e-mail notification system, it will generate an automatic response e-mail with a generic identification number (CR-ERNS) for the farm (note: this number will be the same for all farm owners/operators who provide their initial notification to the NRC via email). The farm owner/operator will place that CR-ERNS number on the follow-up written notification report that is required to be submitted to the EPA Regional Office within 30 days. Therefore, on or around December 15, 2017, all EPA Regional offices will be receiving a large number of written continuous release reports from farm owners/operators.

Regarding the factsheet or “cheat sheet” that was developed to provide compliance assistance to farmers who may soon need to report air release from animal waste under the CERCLA section 103, EPA is working on revising that document to include the above information and will get that out to you as soon as we can.

Thanks,
Kim

Kim Jennings
Division Director || Regulations Implementation Division
U.S. Environmental Protection Agency || Office of Emergency Management
E-mail: jennings.kim@epa.gov || Desk: (202) 564-7998 ||

From: Jennings, Kim
Sent: Thursday, September 21, 2017 7:09 AM
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Subject: IMPORTANT follow-up to the EPCRA/CERCLA/112(r) enforcement call

How about:

Hi all- I am sure you are eager to get more information on how EPA is addressing the court's vacatur of the final rule that exempted farms from reporting air releases of hazardous substances from animal waste.

- On April 11, 2017, the DC Circuit Court vacated this final rule.
- In response to a request from EPA, the DC Circuit Court extended the date by which farms must begin reporting these releases to November 15, 2017.
- To assist farmers in meeting CERCLA and EPCRA reporting requirements, EPA Senior Leadership in OLEM, OGC, and OECA are working on guidance to assist farms in reporting their air releases under CERCLA and EPCRA. EPA is working to have this guidance available to farmers with enough time to review the guidance and comply with the reporting requirements.

I believe that Patty Gioffre and Sicy Jacob provided a brief update during the last EPCRA/CERCLA/112(r) enforcement call. There was also a discussion about the attached letter drafted by Region 5 and how that may not currently reflect the guidance that we plan to issue.

I would like to reiterate that since we are working on providing guidance to farms, the Regions should NOT send out letters to farmers explaining their responsibilities to report hazardous substance releases under CERCLA and EPCRA. Please wait until we have finalized the guidance on how to comply with EPCRA/CERCLA reporting requirements for air releases of hazardous substances from animal waste.

Thanks and let me know if you have any questions.

Kim

Kim Jennings

Division Director || Regulations Implementation Division

U.S. Environmental Protection Agency || Office of Emergency Management

E-mail: jennings.kim@epa.gov || Desk: (202) 564-7998 ||

Message

From: Jennings, Kim [Jennings.Kim@epa.gov]
Sent: 3/28/2018 1:25:34 PM
To: Gioffre, Patricia [Gioffre.Patricia@epa.gov]; ODea, Elise [odea.elise@epa.gov]; Jacob, Sicy [Jacob.Sicy@epa.gov]; Franklin, Kathy [Franklin.Kathy@epa.gov]; Michaud, John [Michaud.John@epa.gov]
CC: Thomas, Latosha [Thomas.Latosha@epa.gov]
Subject: Update to FARMS Fact Sheet for up coming OLEM budget hearings
Attachments: FY19_BH_OEM_6_CERCLA_EPCRA_Reporting_comments 3-28-18.docx

Hi all,

We have revised our budget factsheet on the CERCLA/EPCRA reporting requirements for farms to reflect recent events.

Could you please take a quick look and send any comment to Latosha. We need to get this to our OLEM budget folks today.

Thanks,
Kim

Kim Jennings
Division Director || Regulations Implementation Division
U.S. Environmental Protection Agency || Office of Emergency Management
E-mail: jennings.kim@epa.gov || Desk: (202) 564-7998 ||

From: Thomas, Latosha
Sent: Wednesday, March 28, 2018 8:49 AM
To: Jennings, Kim <Jennings.Kim@epa.gov>
Subject: FW: Update to FARMS Fact Sheet

FYI

Latosha Thomas
U.S. Environmental Protection Agency
OLEM/OEM/RMD
(202) 564-2621 (desk)
(202) 568-0851 (cell)
thomas.latosha@epa.gov

From: Guarneiri, Lisa
Sent: Tuesday, March 27, 2018 12:33 PM
To: Thomas, Latosha <Thomas.Latosha@epa.gov>
Subject: FW: Update to FARMS Fact Sheet

Hi Latosha

At your earliest convenience (ASAP) sometime this week CERCLA and anything on EPCRA....

Attached is the OLEM FS to update.

THANKS

-lg

Lisa Guarneiri
U.S. Environmental Protection Agency || Office of Emergency Management - RMD
E-mail: guarneiri.lisa@epa.gov || Desk: (202) 564-7997 ||

From: Sebring, Meredith
Sent: Tuesday, March 27, 2018 12:24 PM
To: Guarneiri, Lisa <Guarneiri.Lisa@epa.gov>; Hyman Moore, Julie <Hyman.Julie@epa.gov>
Subject: Update to Fact Sheet

Hi there,

Can you all please update this fact sheet to reflect the passage of the FARM Act in the Omnibus?

Meridith Sebring
OLEM/ARMS
Office: 202-566-1909
Cell: 202-595-4848

Message

From: Lee, Eugene [Lee.Eugene@epa.gov]
Sent: 11/8/2017 9:45:15 PM
To: Gioffre, Patricia [Gioffre.Patricia@epa.gov]
CC: Jennings, Kim [Jennings.Kim@epa.gov]; Jacob, Sicy [Jacob.Sicy@epa.gov]
Subject: RE: Update on Farm Rule and Impact on NRC Notifications

Thank you for drafting the bulk of the info!

EL

From: Gioffre, Patricia
Sent: Wednesday, November 8, 2017 4:32 PM
To: Lee, Eugene <Lee.Eugene@epa.gov>
Cc: Jennings, Kim <Jennings.Kim@epa.gov>; Jacob, Sicy <Jacob.Sicy@epa.gov>
Subject: RE: Update on Farm Rule and Impact on NRC Notifications

This is great! Thanks Eugene.

Patty Gioffre
US EPA/OLEM/OEM
202-564-1972
202-748-7139 (cell)

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From: Lee, Eugene
Sent: Wednesday, November 08, 2017 3:02 PM
To: OLEM OEM REMOVAL MANAGERS <OLEMOEMREMOVALMANAGERS@epa.gov>; Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Jacob, Sicy <Jacob.Sicy@epa.gov>
Subject: Update on Farm Rule and Impact on NRC Notifications

Removal Managers & REOC Managers,

Recently, there has been an increase in the volume of reports issued by the NRC. This is because of an upcoming deadline that requires farmers to comply with CERCLA and EPCRA reporting requirements for ammonia and hydrogen sulfide releases from animal waste at farms. Between November 7 and 8, the NRC received 154 notifications which subsequently went out to your Regional Duty Officers by email and/or phone call. We are working with the NRC to determine how to:

- manage the increased volume of calls;
- communicate to federal, state, local response agencies that this is an administrative reporting requirement;
- reduce the burden on Regional Duty Officers.

Background

In 2008, EPA published a final rule that exempted most farms from reporting ammonia and hydrogen sulfide releases from animal wastes under CERCLA and EPCRA. On April 11, 2017, the Court struck down the final rule, eliminating the reporting exemptions for farms.

EPA sought additional time from the Court to delay the effective date to develop guidance materials to help farmers understand their reporting obligations. Unless the DC Circuit Court takes further action, the court's ruling takes effect on **November 15, 2017**.

EPA developed a website to assist farmers in understanding the reporting requirements <https://www.epa.gov/epcra/cercla-and-epcra-reporting-requirements-air-releases-hazardous-substances-animal-waste-farms>. The website includes FAQs on CERCLA and EPCRA reporting and instructions on how to submit continuous release reports. As a result, farmers are now calling the NRC to make an initial continuous release notification.

The Call Center is now set-up to provide compliance assistance:

EPCRA, RMP & OIL Information Center.

Toll free at 1-800-424-9346

In Washington DC area (703) 348-5070

The call center operates Monday thru Friday 10:00 am – 5:00 pm EST.

Next Steps

- EPA filed a motion with the court to delay the **November 15, 2017** date to **January 17, 2018**. EPA will coordinate with affected stakeholders once the court decides whether to extend the effective date.
- EPA will continue to work with the NRC to find ways for farmers to comply with the reporting requirements while minimizing the impact to the NRC.
- EPA will work with the NRC to reduce the burden on regional Duty Officers.

For additional questions on the rule, please contact Sicy Jacob, RID (jacob.sicy@epa.gov, 202-564-8019).

For additional questions on our work with the NRC on handling notifications, please contact Eugene Lee, PROD (lee.eugene@epa.gov, 202-564-7988). Also note, we have this issue for discussion as an agenda item on the next RM Call (Wednesday, November 15).

Regards,

Eugene

Eugene Lee, Chief
Emergency Operations Center and Continuity Branch (ECB)
Preparedness & Response Ops. Div. (PROD)
US EPA Office of Emergency Management
O: 202-564-7988
C: 202-441-3202

Message

From: Gioffre, Patricia [Gioffre.Patricia@epa.gov]
Sent: 11/8/2017 7:28:24 PM
To: Lee, Eugene [Lee.Eugene@epa.gov]; Jacob, Sicy [Jacob.Sicy@epa.gov]; Jennings, Kim [Jennings.Kim@epa.gov]
Subject: RE: DRAFT email to Regions/ EOC and RMs on the increase in NRC reports

Thanks for sending this email and for your assistance on this issue Eugene!

Patty Gioffre
US EPA/OLEM/OEM
202-564-1972
202-748-7139 (cell)

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From: Lee, Eugene
Sent: Wednesday, November 08, 2017 2:27 PM
To: Jacob, Sicy <Jacob.Sicy@epa.gov>; Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>
Subject: RE: DRAFT email to Regions/ EOC and RMs on the increase in NRC reports

I added that already.

Thanks!

From: Jacob, Sicy
Sent: Wednesday, November 8, 2017 2:24 PM
To: Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Lee, Eugene <Lee.Eugene@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>
Subject: RE: DRAFT email to Regions/ EOC and RMs on the increase in NRC reports

Patty: Should we also add the call center number too?

***Sicy Jacob
Chemical Engineer
Regulations Implementation Division
Office of Emergency Management
U.S. EPA, MailCode 5104A
1200 Pennsylvania Avenue, NW
Washington DC 20004
(202) 564-8019***

From: Gioffre, Patricia
Sent: Wednesday, November 08, 2017 2:22 PM
To: Jacob, Sicy <Jacob.Sicy@epa.gov>; Lee, Eugene <Lee.Eugene@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>
Subject: RE: DRAFT email to Regions/ EOC and RMs on the increase in NRC reports

OK. Sounds good. Thanks so much Sicy!

Patty Gioffre
US EPA/OLEM/OEM
202-564-1972
202-748-7139 (cell)

Follow OLEM on Twitter @EPALand

From: Jacob, Sicy
Sent: Wednesday, November 08, 2017 2:21 PM
To: Lee, Eugene <Lee.Eugene@epa.gov>; Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>
Subject: RE: DRAFT email to Regions/ EOC and RMs on the increase in NRC reports

I am ok Patty. CR Regulations and guidance all go hand in hand. If any questions come up that we don't have answers to, then I will gather all and we can get together. Thanks.

Sicy Jacob
Chemical Engineer
Regulations Implementation Division
Office of Emergency Management
U.S. EPA, MailCode 5104A
1200 Pennsylvania Avenue, NW
Washington DC 20004
(202) 564-8019

From: Lee, Eugene
Sent: Wednesday, November 08, 2017 2:18 PM
To: Jacob, Sicy <Jacob.Sicy@epa.gov>; Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>
Subject: RE: DRAFT email to Regions/ EOC and RMs on the increase in NRC reports

Patty & Sicy,

Are you OK with this language at the end of the note:

For additional questions on the rule, please contact Sicy Jacob, RID (jacob.sicy@epa.gov, 202-564-8019).

For additional questions on our work with the NRC on handling notifications, please contact Eugene Lee, PROD (lee.eugene@epa.gov, 202-564-7988).

From: Jacob, Sicy
Sent: Wednesday, November 8, 2017 2:16 PM
To: Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Lee, Eugene <Lee.Eugene@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>
Subject: RE: DRAFT email to Regions/ EOC and RMs on the increase in NRC reports

Ok then who will be contact? You can assign. Thanks

Sicy Jacob
Chemical Engineer
Regulations Implementation Division
Office of Emergency Management
U.S. EPA, MailCode 5104A
1200 Pennsylvania Avenue, NW
Washington DC 20004
(202) 564-8019

From: Gioffre, Patricia
Sent: Wednesday, November 08, 2017 1:38 PM
To: Jacob, Sicy <Jacob.Sicy@epa.gov>; Lee, Eugene <Lee.Eugene@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>
Subject: RE: DRAFT email to Regions/ EOC and RMs on the increase in NRC reports

Sicy-I was going to take this off your plate, since I know you are getting a lot of questions on the guidance. Are you sure you want to be the contact for the regional EOC and RMs who may call on the NRC issue?

Patty Gioffre
US EPA/OLEM/OEM
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From: Jacob, Sicy
Sent: Wednesday, November 08, 2017 1:26 PM
To: Lee, Eugene <Lee.Eugene@epa.gov>; Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>
Cc: Jacob, Sicy <Jacob.Sicy@epa.gov>
Subject: RE: DRAFT email to Regions/ EOC and RMs on the increase in NRC reports

Before Kim and Patty nominates me, I have to raise my hand. Yes, I am the contact.

Eugene: We also set up our call center to provide compliance assistance. So, we can add this to the email message.

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Chemical Engineer

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Does that make sense and, if so, could you let me know who to name as the POC for RID?

EL

From: Jacob, Sicy
Sent: Wednesday, November 8, 2017 1:03 PM
To: Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>; Lee, Eugene <Lee.Eugene@epa.gov>
Subject: RE: DRAFT email to Regions/ EOC and RMs on the increase in NRC reports

Patty: This should work. Hope Regions would notify their states immediately. Thanks.

***Sicy Jacob
Chemical Engineer
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Office of Emergency Management
U.S. EPA, MailCode 5104A
1200 Pennsylvania Avenue, NW
Washington DC 20004
(202) 564-8019***

From: Gioffre, Patricia
Sent: Wednesday, November 08, 2017 12:57 PM
To: Jennings, Kim <Jennings.Kim@epa.gov>; Jacob, Sicy <Jacob.Sicy@epa.gov>; Lee, Eugene <Lee.Eugene@epa.gov>
Subject: DRAFT email to Regions/ EOC and RMs on the increase in NRC reports

I took a stab at drafting an email. Please review and edit as appropriate.

DRAFT EMAIL:

All- Recently, there has been an increase in the volume of reports issued by the NRC. This is because of an upcoming deadline that requires farmers to comply with CERCLA and EPCRA reporting requirements for ammonia and hydrogen sulfide releases from animal waste at farms. EPA is working with the NRC to determine how to:

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- EPA will continue to work with the NRC to find ways for farmers to comply with the reporting requirements while minimizing the impact to the NRC.

Please reach out to OEM if you have questions or concerns related to this issue. [INSERT CONTACT]

Patty Gioffre
USEPA (OLEM/OEM)
1200 Pennsylvania Ave. NW (5104A)
Washington, DC 20460
202-564-1972
202-748-7139 (cell)

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Message

From: Lee, Eugene [Lee.Eugene@epa.gov]
Sent: 11/8/2017 6:59:19 PM
To: Gioffre, Patricia [Gioffre.Patricia@epa.gov]; Jacob, Sicy [Jacob.Sicy@epa.gov]; Jennings, Kim [Jennings.Kim@epa.gov]
Subject: RE: DRAFT email to Regions/ EOC and RMs on the increase in NRC reports

Calls on the NRC issue from the REOCs and RMs should go to me and I'll be clear on that.

Thanks

EL

From: Gioffre, Patricia
Sent: Wednesday, November 8, 2017 1:38 PM
To: Jacob, Sicy <Jacob.Sicy@epa.gov>; Lee, Eugene <Lee.Eugene@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>
Subject: RE: DRAFT email to Regions/ EOC and RMs on the increase in NRC reports

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Sicy Jacob
Chemical Engineer

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***Sicy Jacob
Chemical Engineer
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Office of Emergency Management
U.S. EPA, MailCode 5104A
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(202) 564-8019***

From: Gioffre, Patricia
Sent: Wednesday, November 08, 2017 12:57 PM
To: Jennings, Kim <Jennings.Kim@epa.gov>; Jacob, Sicy <Jacob.Sicy@epa.gov>; Lee, Eugene <Lee.Eugene@epa.gov>
Subject: DRAFT email to Regions/ EOC and RMs on the increase in NRC reports

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Please reach out to OEM if you have questions or concerns related to this issue. [INSERT CONTACT]

Patty Gioffre
USEPA (OLEM/OEM)
1200 Pennsylvania Ave. NW (5104A)
Washington, DC 20460
202-564-1972
202-748-7139 (cell)

Follow OLEM on Twitter @EPALand

Message

From: Franklin, Kathy [Franklin.Kathy@epa.gov]
Sent: 3/27/2018 3:46:45 PM
To: Jennings, Kim [Jennings.Kim@epa.gov]; Gioffre, Patricia [Gioffre.Patricia@epa.gov]; Jacob, Sicy [Jacob.Sicy@epa.gov]
Subject: CERCLA/EPCRA website

FARM act info is already on the CERCLA/EPCRA website.

Kathy Franklin
USEPA, Office of Emergency Management
WJ Clinton North Bldg., Rm. 6450G Mailcode 5104A
1200 Pennsylvania Ave. NW, Washington, DC 20460 (Zip 20004 for private courier delivery)
Phone: 202-564-7987
Email: franklin.kathy@epa.gov

Message

From: Weeks, Victor [weeks.victor@epa.gov]
Sent: 11/3/2017 9:04:52 PM
To: Jacob, Sicy [Jacob.Sicy@epa.gov]; Woodfin, Beth [beth.woodfin@adem.alabama.gov]
CC: (Warning1@emd.sc.gov) [Warning1@emd.sc.gov]; (Warning2@emd.sc.gov) [Warning2@emd.sc.gov]; Adam Ryan (Adam.Ryan@ncdps.gov) [Adam.Ryan@ncdps.gov]; Barry Atkins [Barry.Atkins@ema.alabama.gov]; bmaske@mema.ms.gov; Brannon Davis [bdavis@emd.sc.gov]; Cole Owen (Cole.Owen@ncdps.gov) [Cole.Owen@ncdps.gov]; Connie Estill [connie.g.estill.nfg@mail.mil]; Dietrich, Robert [Robert.Dietrich@em.myflorida.com]; Ed Westbrook [Ed.Westbrook@gema.ga.gov]; GSpringer@adem.state.al.us; jerry_campbell@dnr.state.ga.us; Jessica Miller (Jessica.l.miller263.nfg@mail.mil) [Jessica.l.miller263.nfg@mail.mil]; Joe Kennedy (Joe.Kennedy@tn.gov) [Joe.Kennedy@tn.gov]; joshua.langdon@ncdps.gov; Louis Ritter [louis.ritter@gema.ga.gov]; Marieke.Fendley@ema.alabama.gov; leepd@dhec.sc.gov; Steve "Bru" Brukwicki (steven.e.brukwicki.nfg@mail.mil) [steven.e.brukwicki.nfg@mail.mil]; Thomas Steelman (thomas.steelman@ncdps.gov) [thomas.steelman@ncdps.gov]; Tiffany Sizemore (tiffany.r.sizemore.nfg@mail.mil) [tiffany.r.sizemore.nfg@mail.mil]; Tim Murphy [tpmurphy@emd.sc.gov]; Trichelle.Wilson@tn.gov
Subject: RE: Guidance Question

Thanks Sicy for the clarification! It is very helpful.

From: Jacob, Sicy
Sent: Friday, November 03, 2017 5:00 PM
To: Weeks, Victor <weeks.victor@epa.gov>; Woodfin, Beth <beth.woodfin@adem.alabama.gov>
Cc: (Warning1@emd.sc.gov) <Warning1@emd.sc.gov>; (Warning2@emd.sc.gov) <Warning2@emd.sc.gov>; Adam Ryan (Adam.Ryan@ncdps.gov) <Adam.Ryan@ncdps.gov>; Barry Atkins <Barry.Atkins@ema.alabama.gov>; bmaske@mema.ms.gov; Brannon Davis <bdavis@emd.sc.gov>; Cole Owen (Cole.Owen@ncdps.gov) <Cole.Owen@ncdps.gov>; Connie Estill <connie.g.estill.nfg@mail.mil>; Dietrich, Robert <Robert.Dietrich@em.myflorida.com>; Ed Westbrook <Ed.Westbrook@gema.ga.gov>; GSpringer@adem.state.al.us; jerry_campbell@dnr.state.ga.us; Jessica Miller (Jessica.l.miller263.nfg@mail.mil) <Jessica.l.miller263.nfg@mail.mil>; Joe Kennedy (Joe.Kennedy@tn.gov) <Joe.Kennedy@tn.gov>; joshua.langdon@ncdps.gov; Louis Ritter <louis.ritter@gema.ga.gov>; Marieke.Fendley@ema.alabama.gov; leepd@dhec.sc.gov; Steve "Bru" Brukwicki (steven.e.brukwicki.nfg@mail.mil) <steven.e.brukwicki.nfg@mail.mil>; Thomas Steelman (thomas.steelman@ncdps.gov) <thomas.steelman@ncdps.gov>; Tiffany Sizemore (tiffany.r.sizemore.nfg@mail.mil) <tiffany.r.sizemore.nfg@mail.mil>; Tim Murphy <tpmurphy@emd.sc.gov>; Trichelle.Wilson@tn.gov
Subject: RE: Guidance Question

We shouldn't say that all farms would be exempted. Only those farms (facilities) that do not use, store or produce hazardous chemical (per EPCRA Statute, section 304(a)) would be exempted from section 304 reporting. Here is the EPCAR Q & A for your reference.

https://www.epa.gov/sites/production/files/2017-10/documents/web_document_placeholder.pdf

See third paragraph of the Q & A:

"Therefore, if a farm only uses substances in "routine agricultural operations", the farm would not be a facility that produces, uses or stores "hazardous chemicals,""

and the paragraph next to the last one:

"Under EPA's interpretation, a farm where substances are used only in routine agricultural operations is not within the scope of EPCRA section 304....."

So, based on these, if a farm owner or operator have other operations on the same site not related to agricultural and use/store/produce hazardous chemical, then they may be subject to section 304 reporting.

Hope that clarifies. Thanks.

Sícy Jacob
Chemical Engineer
Regulations Implementation Division
Office of Emergency Management
U.S. EPA, MailCode 5104A
1200 Pennsylvania Avenue, NW
Washington DC 20004
(202) 564-8019

From: Weeks, Victor
Sent: Friday, November 03, 2017 1:31 PM
To: Woodfin, Beth <beth.woodfin@adem.alabama.gov>
Cc: (Warning1@emd.sc.gov) <Warning1@emd.sc.gov>; (Warning2@emd.sc.gov) <Warning2@emd.sc.gov>; Adam Ryan (Adam.Ryan@ncdps.gov) <Adam.Ryan@ncdps.gov>; Barry Atkins <Barry.Atkins@ema.alabama.gov>; bmaske@mems.ms.gov; Brannon Davis <bdavis@emd.sc.gov>; Cole Owen (Cole.Owen@ncdps.gov) <Cole.Owen@ncdps.gov>; Connie Estill <connie.g.estill.nfg@mail.mil>; Dietrich, Robert <Robert.Dietrich@em.myflorida.com>; Ed Westbrook <Ed.Westbrook@gema.ga.gov>; GSpringer@adem.state.al.us; jerry_campbell@dnr.state.ga.us; Jessica Miller (jessica.l.miller263.nfg@mail.mil) <jessica.l.miller263.nfg@mail.mil>; Joe Kennedy (Joe.Kennedy@tn.gov) <Joe.Kennedy@tn.gov>; joshua.langdon@ncdps.gov; Louis Ritter <louis.ritter@gema.ga.gov>; Marieke.Fendley@ema.alabama.gov; leepd@dhec.sc.gov; Steve "Bru" Brukwicki (steven.e.brukwicki.nfg@mail.mil) <steven.e.brukwicki.nfg@mail.mil>; Thomas Steelman (thomas.steelman@ncdps.gov) <thomas.steelman@ncdps.gov>; Tiffany Sizemore (tiffany.r.sizemore.nfg@mail.mil) <tiffany.r.sizemore.nfg@mail.mil>; Tim Murphy <tpmurphy@emd.sc.gov>; Trichelle.Wilson@tn.gov
Subject: RE: Guidance Question

The intent of the guidance is to express EPA's **current** interpretive position that Farms are wholly excluded from EPCRA reporting requirements because all substances produced, used or stored, at farms all relate to "routine agricultural operations", and therefore substances produced, used or stored at Farms are not considered as "hazardous chemicals" under EPCRA.

Farm—means a facility on a tract of land devoted to the production of crops or raising of animals, including fish, which produced and sold, or normally would have produced and sold, \$1,000 or more of agricultural products during a year.

So CAFOs would satisfy the Farm definition and thus be excluded from EPCRA reporting.

This is taken from the referenced guidance:

EPA interprets the statute to exclude farms that use substances in "routine agricultural operations" from reporting under EPCRA section 304. EPCRA reporting turns on whether a facility produces, uses, or stores a hazardous chemical. The term "hazardous chemical," as defined in EPCRA sections 329(5) and 311(e), does not include "any substance to the extent it is used in routine agricultural operations."

Vic Weeks @ 404-562-9189

From: Woodfin, Beth [mailto:beth.woodfin@adem.alabama.gov]
Sent: Friday, November 03, 2017 11:23 AM
To: Weeks, Victor <weeks.victor@epa.gov>

Subject: Guidance Question

Importance: High

Good morning Victor,

I have a question re: the guidance document dated 10-25-2017 "Does EPA Interpret EPCRA Section 304 to require farms to report releases from animal waste".

I was hoping to clarify the term "animal feeding operations". In the 3rd paragraph, the document states, "EPA clarifies here that it interprets the term "routine agricultural operations" to encompass regular and routine operations at farms, animal feeding operations, nurseries, other horticultural operations and aquaculture".

Does "animal feeding operations" include concentrated animal feeding operations (CAFOs)?

Thank you for your assistance,

Beth Woodfin

SARA Title III Coordinator

Compliance Unit

Field Operations Division

Alabama Department of Environmental Management

1350 Coliseum Boulevard

Montgomery, AL 36110-2059

Phone/Fax: 334-394-4306

Web Address: <http://www.adem.state.al.us/MoreInfo/saraIII.cnt>



Mission: Assure for all citizens of the state a safe, healthful and productive environment

Message

From: Weeks, Victor [weeks.victor@epa.gov]
Sent: 11/2/2017 2:37:36 PM
To: Jacob, Sicy [Jacob.Sicy@epa.gov]
Subject: FW: Hazardous substances released from animal wastes
Attachments: EPA interpretation of "used in routine agricultural operations" as it relates to animal waste at farms.pdf

From: Weeks, Victor

Sent: Thursday, November 02, 2017 10:31 AM

To: Beth Woodfin (beth.woodfin@adem.alabama.gov) <beth.woodfin@adem.alabama.gov>

Cc: '(Warning1@emd.sc.gov)' <Warning1@emd.sc.gov>; '(Warning2@emd.sc.gov)' <Warning2@emd.sc.gov>; 'Adam Ryan (Adam.Ryan@ncdps.gov)' <Adam.Ryan@ncdps.gov>; 'Barry Atkins' <Barry.Atkins@ema.alabama.gov>; 'bmaske@mema.ms.gov' <bmaske@mema.ms.gov>; 'Brannon Davis' <bdavis@emd.sc.gov>; 'Cole Owen (Cole.Owen@ncdps.gov)' <Cole.Owen@ncdps.gov>; 'Connie Estill' <connie.g.estill.nfg@mail.mil>; 'Dietrich, Robert' <Robert.Dietrich@em.myflorida.com>; 'Ed Westbrook' <Ed.Westbrook@gema.ga.gov>; GSpringer@adem.state.al.us; 'jerry_campbell@dnr.state.ga.us' <jerry_campbell@dnr.state.ga.us>; 'Jessica Miller (Jessica.l.miller263.nfg@mail.mil)' <Jessica.l.miller263.nfg@mail.mil>; 'Joe Kennedy (Joe.Kennedy@tn.gov)' <Joe.Kennedy@tn.gov>; 'joshua.langdon@ncdps.gov' <joshua.langdon@ncdps.gov>; 'Louis Ritter' <louis.ritter@gema.ga.gov>; 'Marieke.Fendley@ema.alabama.gov' <Marieke.Fendley@ema.alabama.gov>; 'Paul Lee' <LEEPD@DHEC.SC.GOV>; 'Steve "Bru" Brukwicki (steven.e.brukwicki.nfg@mail.mil)' <steven.e.brukwicki.nfg@mail.mil>; 'Thomas Steelman (thomas.steelman@ncdps.gov)' <thomas.steelman@ncdps.gov>; 'Tiffany Sizemore (tiffany.r.sizemore.nfg@mail.mil)' <tiffany.r.sizemore.nfg@mail.mil>; 'Tim Murphy' <tpmurphy@emd.sc.gov>; 'Trichelle B. Wilson - Tennessee Emergency Management Agency (Trichelle.Wilson@tn.gov)' <Trichelle.Wilson@tn.gov>

Subject: Hazardous substances released from animal wastes

Beth:

I spoke with J.R. Campbell of Georgia this morning and he helped me to realize that I totally missed a very important aspect of EPA's guidance on the issue of farms reporting releases from animal wastes (please see attached).

This is taking from the guidance:

Therefore, if a farm only uses substances in "routine agricultural operations", the farm would not be a facility that produces, uses or stores "hazardous chemicals," and would therefore not be within the universe of facilities which are subject to EPCRA Section 304 release reporting. Because such farms fall outside of EPCRA section 304, they are not required to report any releases of EPCRA extremely hazardous substances or CERCLA hazardous substances, including any releases from animals or animal waste.

In the guidance, EPA clarified that the "feeding and breeding of animals, as well as the expected handling and storage of the animals' waste, is considered a routine agricultural operation".

The guidance notes that EPA intends to conduct a future rulemaking on the interpretation of "used in routine agricultural operations" as it pertains to EPCRA reporting requirements.

As we discussed previously, while farms **are apparently exempt** from reporting releases from animal wastes to the SERC & LEPC under EPCRA Section 304, farms are still required to report releases of CERCLA hazardous substances under CERCLA Section 103 to the National Response Center.

Vic Weeks @ 404-562-9189

Message

From: CERCLA103.guidance [CERCLA103.guidance@epa.gov]
Sent: 11/3/2017 7:22:51 PM
To: Gioffre, Patricia [Gioffre.Patricia@epa.gov]; Jennings, Kim [Jennings.Kim@epa.gov]; Jacob, Sicy [Jacob.Sicy@epa.gov]
CC: Mayer, Eileen [Mayer.Eileen@epa.gov]; Hull, George [Hull.George@epa.gov]
Subject: FW: Comments on CERCLA/EPCRA animal waste guidance

I decided to check the CERCLA103 mailbox now that I am able to access it. We have one email ! See below

Kathy Franklin
USEPA, Office of Emergency Management
WJ Clinton North Bldg., Rm. 6450G Mailcode 5104A
1200 Pennsylvania Ave. NW, Washington, DC 20460 (Zip 20004 for private courier delivery)
Phone: 202-564-7987
Email: franklin.kathy@epa.gov

From: Rick Stowell [mailto:richard.stowell@unl.edu]
Sent: Thursday, November 02, 2017 7:16 PM
To: CERCLA103.guidance <CERCLA103.guidance@epa.gov>
Subject: Comments

Some initial comments that need greater clarification from EPA:

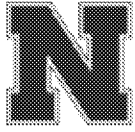
Status of pasture-based and range-based [non-AFO] animal operations?

- Current info states that emissions from manure applied as fertilizer to cropland do not need to be reported. My professional interpretation is that emissions from grazing livestock [non-AFO] would not need to be reported, as urine and feces are directly applied to promote forage growth – constituting land application of fertilizer for Ag production.
- There is generally great concern about applicability to non-AFO, due to absence of discussion of AFO/non-AFO. I assume that AFO terminology is not used out of concern for ‘exempting’ operations. However, this leads to considerable confusion and tremendous opportunity for arbitrary or contradictory interpretation of applicability. AFO/CAFO designation is well-established for use in the Ag industry (incl. regulatory community) for water quality protection and would be a logical basis for identifying operations that may need to examine RQ and reporting requirements.
- Emissions research and estimates from AFO are not applicable to grazing. The conversion of urea in urine to ammonia is much different when deposited independently from feces in a pasture setting than occurs with manure – where urine and feces mix. Emissions research and estimates from CAFO have concerns about credibility and applicability to other facilities/regions; these concerns are magnified several times for emissions from vegetated fields and I would put very little faith in assigning estimates of daily emissions from non-AFO.

What is status of NAEMS for establishing emissions estimates? There are no criteria given for the approach used to estimate emissions. What credibility exists in ‘good faith estimates’ in a legal/regulatory setting?

I applaud the effort by those working to tackle this tough assignment.

Rick



Richard R. Stowell, Ph.D., P.E.

Associate Professor and Extension Specialist - Animal Environment

Biological Systems Engineering, and Animal Science

University of Nebraska--Lincoln

215 L.W. Chase Hall, Lincoln, NE 68583-0726

(402) 472-3912

mailto: RStowell2@UNL.edu

Message

From: Thomas Hebert [tom.hebert@bayardridge.com]
Sent: 10/31/2017 9:58:02 PM
To: Jacob, Sicy [Jacob.Sicy@epa.gov]
Subject: Re: CHECKLIST OF INFORMATION REQUIRED IN INITIAL AND FOLLOW-UP WRITTEN REPORTS?

Thanks!

Tom Hebert
Bayard Ridge Group LLC
(C) 202-441-0570
tom.hebert@bayardridge.com

From: "Jacob, Sicy" <Jacob.Sicy@epa.gov>
Sent: Oct 31, 2017 3:52 PM
To: Thomas Hebert
Subject: FW: CHECKLIST OF INFORMATION REQUIRED IN INITIAL AND FOLLOW-UP WRITTEN REPORTS?

Hi, Kim forwarded your email to me. I believe the attached link is the checklist you are looking for. I am not sure why it is blank on that page in the guidance. Thanks for pointing that out.

https://www.epa.gov/sites/production/files/2015-11/documents/continuous_release_checklist.pdf

Sicy Jacob
Chemical Engineer
Regulations Implementation Division
Office of Emergency Management
U.S. EPA, MailCode 5104A
1200 Pennsylvania Avenue, NW
Washington DC 20004
(202) 564-8019

From: Thomas Hebert [mailto:tom.hebert@bayardridge.com]
Sent: Tuesday, October 31, 2017 3:07 PM
To: Jennings, Kim <Jennings.Kim@epa.gov>
Subject: CHECKLIST OF INFORMATION REQUIRED IN INITIAL AND FOLLOW-UP WRITTEN REPORTS?

Hi Kim,

Tom Hebert here, on behalf of United Egg Producers. We are working through CERCLA reporting matters after the issuance of the guidance last week. That is very useful materials. But we are trying to understand the minimum reporting requirements for the written submissions to the EPA Regional Offices. I reviewed the general industry guidance you have on your website (Part 2: Instructions and Procedures for Continuous Release Reporting) https://www.epa.gov/sites/production/files/2015-11/documents/part_2_instructions_and_procedures_for_continuous_release_reporting.pdf, and noted with interest that there is supposed to be an Exhibit in the document (Exhibit 2) below that gives a "CHECKLIST OF INFORMATION

REQUIRED IN INITIAL AND FOLLOW-UP WRITTEN REPORTS.” But the page is blank. Is this checklist available and can you email that to me? Will be happy to share that with the other animal ag groups.

Best!

Tom Hebert

EXHIBIT 2-1
CHECKLIST OF INFORMATION REQUIRED IN INITIAL AND FOLLOW-UP WRITTEN REPORTS

18

If you are reporting a non-CERCLA EHS to the appropriate SERC or LEPC, you will not receive a CR. EHS numbers as your SERC and LEPC will use their own methods to track your continuous release.

2.3 Initial Written and Follow-Up Reports

Where and when to submit initial written and follow-up reports?

Within 30 days of your initial telephone call to the SERC, SERC, and LEPC, the initial written report of CERCLA hazardous substances must be submitted to the appropriate government jurisdiction. You must send one copy of the completed initial written report containing the information described in this Section to each of the following organizations:

The EPA Regional Office for the geographical region in which your facility is located;

The SERC of any state likely to be affected by the release; and

The LEPC of any area likely to be affected by the release.

For reports of CERCLA hazardous substances, the one-time, first anniversary follow-up report must be submitted within 30 days of the first anniversary date of the initial written report to the EPA Regional Office. The first anniversary follow-up report must be submitted to the EPA Regional Office only. You are not required to submit the one-time first anniversary follow-up report to the SERC and LEPC.

Reports of releases of non-CERCLA EHSs must be reported only to the SERC and LEPC. No notification of Federal authorities is required.

What information is required?

The information that you are required to submit for all initial written and follow-up reports can be divided into three primary sections: general information, source information, and hazardous substance information. These sections are described briefly below and the specific information to be

included in each of these sections is described more fully in the following pages:

- **Section I - General Information:** This section includes identifying information about your facility, as well as information concerning the area surrounding your facility.
- **Section II - Source Information:** This section includes information on each source of the release including the identity of each source; the basis for stating that the release from a source qualifies as continuous and stable in quantity and rate; the environmental medium affected by the release; the name and quantity of the CERCLA hazardous substance or EHS released from the source; and the normal range and frequency of the release. This information must be provided separately for each source of the continuous release.
- **Section III - Hazardous Substance Information:** This section includes the upper bound of the normal range for each hazardous substance released across all sources at a facility. This number is also known as the SII trigger. Section II should be completed for each release source before you calculate the upper bound of the normal range of the release for each CERCLA hazardous substance or EHS across all sources at the facility.

Section I: General Information

The information required in Section I of the initial written report and follow-up reports includes general information identifying your facility, as well as information regarding the area in which your facility is located. This general information is important because it provides a better understanding of the potential risks resulting from exposure from the facility's release. A signed statement asserting that the continuous release is continuous and stable in quantity and rate, and that the information supplied is accurate and current to the best of your knowledge, is also required in Section I.

Tom Hebert
Bayard Ridge Group LLC
tom.hebert@bayardridge.com
202-441-0570

Message

From: Jennings, Kim [Jennings.Kim@epa.gov]
Sent: 10/31/2017 8:35:01 PM
To: Jacob, Sicy [Jacob.Sicy@epa.gov]
CC: Gioffre, Patricia [Gioffre.Patricia@epa.gov]
Subject: Re: CHECKLIST OF INFORMATION REQUIRED IN INITIAL AND FOLLOW-UP WRITTEN REPORTS?

Thank you. Can we fix it on the website?

Thanks,
Kim

On Oct 31, 2017, at 3:36 PM, Jacob, Sicy <Jacob.Sicy@epa.gov> wrote:

Oops....he is right...it is blank.. But I think it is one of the link in the general sections of CR forms. I will send it to him.

***Sicy Jacob
Chemical Engineer
Regulations Implementation Division
Office of Emergency Management
U.S. EPA, MailCode 5104A
1200 Pennsylvania Avenue, NW
Washington DC 20004
(202) 564-8019***

From: Jennings, Kim
Sent: Tuesday, October 31, 2017 3:27 PM
To: Jacob, Sicy <Jacob.Sicy@epa.gov>
Cc: Gioffre, Patricia <Gioffre.Patricia@epa.gov>
Subject: FW: CHECKLIST OF INFORMATION REQUIRED IN INITIAL AND FOLLOW-UP WRITTEN REPORTS?

Sicy,

Can you check on this.

Thanks,
Kim

Kim Jennings
Division Director || Regulations Implementation Division
U.S. Environmental Protection Agency || Office of Emergency Management
E-mail: jennings.kim@epa.gov || Desk: (202) 564-7998 ||

From: Thomas Hebert [<mailto:tom.hebert@bayardridge.com>]
Sent: Tuesday, October 31, 2017 3:07 PM
To: Jennings, Kim <Jennings.Kim@epa.gov>
Subject: CHECKLIST OF INFORMATION REQUIRED IN INITIAL AND FOLLOW-UP WRITTEN REPORTS?

Hi Kim,

Tom Hebert here, on behalf of United Egg Producers. We are working through CERCLA reporting matters after the issuance of the guidance last week. That is very useful materials. But we are trying to understand the minimum reporting requirements for the written submissions to the EPA Regional Offices. I reviewed the general industry guidance you have on your website (Part 2: Instructions and Procedures for Continuous Release Reporting) https://www.epa.gov/sites/production/files/2015-11/documents/part_2_instructions_and_procedures_for_continuous_release_reporting.pdf, and noted with interest that there is supposed to be an Exhibit in the document (Exhibit 2) below that gives a "CHECKLIST OF INFORMATION REQUIRED IN INITIAL AND FOLLOW-UP WRITTEN REPORTS." But the page is blank. Is this checklist available and can you email that to me? Will be happy to share that with the other animal ag groups.

Best!

Tom Hebert

<image002.jpg>

<image004.jpg>

Tom Hebert
Bayard Ridge Group LLC
tom.hebert@bayardridge.com
202-441-0570

Message

From: Jacob, Sicy [Jacob.Sicy@epa.gov]
Sent: 10/31/2017 7:41:17 PM
To: tom.herbert@bayardridge.com
Subject: FW: CHECKLIST OF INFORMATION REQUIRED IN INITIAL AND FOLLOW-UP WRITTEN REPORTS?

Hi, Kim forwarded your email to me. I believe the attached link is the checklist you are looking for. I am not sure why it is blank on that page. Thanks for pointing that out.

https://www.epa.gov/sites/production/files/2015-11/documents/continuous_release_checklist.pdf

Sicy Jacob
Chemical Engineer
Regulations Implementation Division
Office of Emergency Management
U.S. EPA, MailCode 5104A
1200 Pennsylvania Avenue, NW
Washington DC 20004
(202) 564-8019

From: Thomas Hebert [mailto:tom.hebert@bayardridge.com]
Sent: Tuesday, October 31, 2017 3:07 PM
To: Jennings, Kim <Jennings.Kim@epa.gov>
Subject: CHECKLIST OF INFORMATION REQUIRED IN INITIAL AND FOLLOW-UP WRITTEN REPORTS?

Hi Kim,

Tom Hebert here, on behalf of United Egg Producers. We are working through CERCLA reporting matters after the issuance of the guidance last week. That is very useful materials. But we are trying to understand the minimum reporting requirements for the written submissions to the EPA Regional Offices. I reviewed the general industry guidance you have on your website (Part 2: Instructions and Procedures for Continuous Release Reporting) https://www.epa.gov/sites/production/files/2015-11/documents/part_2_instructions_and_procedures_for_continuous_release_reporting.pdf, and noted with interest that there is supposed to be an Exhibit in the document (Exhibit 2) below that gives a "CHECKLIST OF INFORMATION REQUIRED IN INITIAL AND FOLLOW-UP WRITTEN REPORTS." But the page is blank. Is this checklist available and can you email that to me? Will be happy to share that with the other animal ag groups.

Best!

Tom Hebert

EXHIBIT 2-1
CHECKLIST OF INFORMATION REQUIRED IN INITIAL AND FOLLOW-UP WRITTEN REPORTS

If you are reporting a non-CERCLA EHS to the appropriate SERC or LEPC, you will not receive a CR. EHS numbers at your SERC and LEPC will use their own methods to track your continuous release.

2.3 Initial Written and Follow-Up Reports

Where and when to submit initial written and follow-up reports?

Within 30 days of your initial telephone call to the SERC, SERC, and LEPC, the initial written report of CERCLA hazardous substances must be submitted to the appropriate government jurisdiction. You must send one copy of the completed initial written report containing the information described in this Section to each of the following organizations.

The EPA Regional Office for the geographical region in which your facility is located.

The SERC of any state likely to be affected by the release, and

The LEPC of any area likely to be affected by the release.

For reports of CERCLA hazardous substances, the one-time, first anniversary follow-up report must be submitted within 30 days of the first anniversary date of the initial written report to the EPA Regional Office. The first anniversary follow-up report must be submitted to the EPA Regional Office only. You are not required to submit the one-time first anniversary follow-up report to the SERC and LEPC.

Reports of releases of non-CERCLA EHSs must be reported only to the SERC and LEPC. No notification of Federal authorities is required.

What information is required?

The information that you are required to submit for all initial written and follow-up reports can be divided into three primary sections: general information, source information, and hazardous substance information. These sections are described briefly below and the specific information to be

included in each of these sections is described more fully in the following pages.

- **Section I - General Information** This section includes identifying information about your facility, as well as information concerning the area surrounding your facility.
- **Section II - Source Information** This section includes information on each source of the release including the identity of each source; the basis for stating that the release from a source qualifies as continuous and stable in quantity and rate; the environmental medium affected by the release; the name and quantity of the CERCLA hazardous substance or EHS released from the source; and the normal range and frequency of the release. This information must be provided separately for each source of the continuous release.
- **Section III - Hazardous Substance Information** This section includes the upper bound of the normal range for each hazardous substance released across all sources at a facility. This number is also known as the SII trigger. Section II should be completed for each release source before you calculate the upper bound of the normal range of the release for each CERCLA hazardous substance or EHS across all sources at the facility.

Section I: General Information

The information required in Section I of the initial written report and follow-up reports includes general information identifying your facility, as well as information regarding the area in which your facility is located. This general information is important because it provides a better understanding of the potential risks resulting from exposure from the facility's release. A signed statement asserting that the continuous release is continuous and stable in quantity and rate, and that the information supplied is accurate and current to the best of your knowledge, is also required in Section I.

Tom Hebert
Bayard Ridge Group LLC
tom.hebert@bayardridge.com
202-441-0570

Message

From: Hayes, Scott [Hayes.Scott@epa.gov]
Sent: 10/27/2017 4:08:02 PM
To: Jacob, Sicy [Jacob.Sicy@epa.gov]
Subject: RE: CERCLA and EPCRA Ag Guidance is now available

ok

From: Jacob, Sicy
Sent: Friday, October 27, 2017 10:04 AM
To: Hayes, Scott <Hayes.Scott@epa.gov>
Subject: RE: CERCLA and EPCRA Ag Guidance is now available

Deliberative Process / Ex. 5

*Sicy Jacob
Chemical Engineer
Regulations Implementation Division
Office of Emergency Management
U.S. EPA, MailCode 5104A
1200 Pennsylvania Avenue, NW
Washington DC 20004
(202) 564-8019*

From: Hayes, Scott
Sent: Friday, October 27, 2017 10:51 AM
To: Jacob, Sicy <Jacob.Sicy@epa.gov>
Subject: RE: CERCLA and EPCRA Ag Guidance is now available

Deliberative Process / Ex. 5

From: Jacob, Sicy
Sent: Friday, October 27, 2017 9:46 AM
To: Hayes, Scott <Hayes.Scott@epa.gov>
Subject: RE: CERCLA and EPCRA Ag Guidance is now available

Deliberative Process / Ex. 5

“EPA clarifies here that, just as an aquacultural operation involving the feeding and breeding of fish would be considered a routine agricultural operation, the feeding and breeding of animals, as well as the expected handling and storage of the animals’ waste, would

also be considered a routine agricultural operation. EPA thus interprets the phrase “used in routine agricultural operations” to include, for example, the handling and storage of waste for potential use as fertilizer.”

Thanks.

Sicy Jacob
Chemical Engineer
Regulations Implementation Division
Office of Emergency Management
U.S. EPA, MailCode 5104A
1200 Pennsylvania Avenue, NW
Washington DC 20004
(202) 564-8019

From: Hayes, Scott
Sent: Friday, October 27, 2017 10:39 AM
To: Jacob, Sicy <Jacob.Sicy@epa.gov>
Subject: RE: CERCLA and EPCRA Ag Guidance is now available

Deliberative Process / Ex. 5

From: Jacob, Sicy
Sent: Friday, October 27, 2017 9:20 AM
To: Hayes, Scott <Hayes.Scott@epa.gov>
Subject: RE: CERCLA and EPCRA Ag Guidance is now available

Deliberative Process / Ex. 5

Sicy Jacob
Chemical Engineer
Regulations Implementation Division
Office of Emergency Management
U.S. EPA, MailCode 5104A
1200 Pennsylvania Avenue, NW
Washington DC 20004
(202) 564-8019

From: Hayes, Scott
Sent: Friday, October 27, 2017 9:48 AM
To: Jacob, Sicy <Jacob.Sicy@epa.gov>
Subject: RE: CERCLA and EPCRA Ag Guidance is now available

Deliberative Process / Ex. 5

From: Jacob, Sicy
Sent: Friday, October 27, 2017 8:44 AM

To: Hayes, Scott <Hayes.Scott@epa.gov>

Subject: RE: CERCLA and EPCRA Ag Guidance is now available

Deliberative Process / Ex. 5

*Sicy Jacob
Chemical Engineer
Regulations Implementation Division
Office of Emergency Management
U.S. EPA, MailCode 5104A
1200 Pennsylvania Avenue, NW
Washington DC 20004
(202) 564-8019*

From: Hayes, Scott

Sent: Thursday, October 26, 2017 4:00 PM

To: Jacob, Sicy <Jacob.Sicy@epa.gov>

Subject: Re: CERCLA and EPCRA Ag Guidance is now available

Deliberative Process / Ex. 5

Scott D. Hayes
U.S. EPA
913-645-3217
Sent from my iPhone -
please excuse typos

On Oct 26, 2017, at 14:47, Jacob, Sicy <Jacob.Sicy@epa.gov> wrote:

Hi, Scott: **Personal Matters / Ex. 6** Got back and then I had to call-in for a conference call. By then, I got so many emails including yours on the guidance. Going thru one by one.

Deliberative Process / Ex. 5

Sicy Jacob
Chemical Engineer
Regulations Implementation Division
Office of Emergency Management
U.S. EPA, MailCode 5104A
1200 Pennsylvania Avenue, NW
Washington DC 20004
(202) 564-8019

From: Hayes, Scott

Sent: Thursday, October 26, 2017 2:50 PM

To: adam.broughton@dnr.iowa.gov; Stotts, Krystal <Stotts.Krystal@epa.gov>

Cc: Hessenius, Kenneth <kenneth.hessenius@dnr.iowa.gov>; Jason Marcel <jason.marcel@dnr.iowa.gov>; william.ehm@dnr.iowa.gov; Book, Kelli <kelli.book@dnr.iowa.gov>; Jacob, Sicy <Jacob.Sicy@epa.gov>; Harper, Jodi <Harper.Jodi@epa.gov>; Blunk, Terri <Blunk.Terri@epa.gov>; Ndiaye, Fatimatou <Ndiaye.Fatimatou@epa.gov>; Hensley, Dave <Hensley.Dave@epa.gov>

Subject: RE: FW: CERCLA and EPCRA Ag Guidance is now available

So, I had a chance to review and look into your questions. Below are my interpretations of the relevant guidance and the law.

1. Is EPA considering these emissions from manure storage to be exempt from EPCRA reporting (it appears that they are)?

No. I believe you are referring to the FAQs on page 3. Storage refers to handling and storage of pesticide products...not manure. Application of manure as a fertilizer (not storage as a fertilizer) does not require reporting.

2. Does CERCLA 103 reporting require notification at the state and local level (It only mentions federal notification)?

No. CERCLA 103 pertains to notifications to the National Response Center only. The NRC then "conveys" the information to the state.

From: Broughton, Adam [<mailto:adam.broughton@dnr.iowa.gov>]

Sent: Thursday, October 26, 2017 11:14 AM

To: Hayes, Scott <Hayes.Scott@epa.gov>; Stotts, Krystal <Stotts.Krystal@epa.gov>

Cc: Hessenius, Kenneth <kenneth.hessenius@dnr.iowa.gov>; Jason Marcel <jason.marcel@dnr.iowa.gov>; william.ehm@dnr.iowa.gov; Book, Kelli <kelli.book@dnr.iowa.gov>

Subject: Re: FW: CERCLA and EPCRA Ag Guidance is now available

Scott and Krystal, I'm looking through the information and I have two questions:

1. Is EPA considering these emissions from manure storage to be exempt from EPCRA reporting (it appears that they are)?
2. Does CERCLA 103 reporting require notification at the state and local level (It only mentions federal notification)?

I'd like to narrow down what our (state's) role is in this reporting.

Thanks,

Adam



Adam Broughton | Environmental Specialist Senior
Field Services Emergency Response
Iowa Department of Natural Resources
P 515-725-0386 | F 515-281-7229 | 7900 Hickman Rd.
Suite 200,
Windsor Heights, IA 50324
www.iowadnr.gov

On Thu, Oct 26, 2017 at 10:59 AM, Hayes, Scott <Hayes.Scott@epa.gov> wrote:

It's here.

From: Jacob, Sicy
Sent: Thursday, October 26, 2017 11:29 AM
Subject: RE:

Hi, Everyone:

We released the guidance to assist farmers in reporting air releases of hazardous substances from animal waste at farms. We are making this information available to provide time for farmers to review and prepare for the reporting obligation, which could become effective as early as November 15, 2017.

On December 18, 2008, EPA published a final rule that exempted certain farms from reporting air releases of hazardous substances from animal waste. On April 11, 2017, the DC Circuit Court vacated this final rule. In response to a request from EPA, the DC Circuit Court extended the date on which its ruling would become effective to November 15, 2017. Unless the court further extends this

date, farms (including those previously exempted by EPA's rule) that release hazardous substances to the air from animal wastes equal to or greater than the reportable quantities for those hazardous substances within any 24-hour period must comply with applicable statutory reporting requirements.

To view EPA's guidance and Frequently Asked Questions on reporting air emissions from animal waste: <https://www.epa.gov/epcra/cercla-and-epcra-reporting-requirements-air-releases-hazardous-substances-animal-waste-farms>

EPA will revise this guidance, as necessary, to reflect additional information to assist farm owners and operators to meet reporting obligations. Interested parties may submit comments or suggestions by November 24, 2017.

Please share this information with your interested stakeholders and regional contacts.

Here is the link to the press release:

<https://www.epa.gov/newsreleases/epa-releases-guidance-reporting-air-emissions-hazardous-substances-animal-waste-farms>

Thanks. Please let me know if you have any questions.

Sicy Jacob

Chemical Engineer

Regulations Implementation Division

Office of Emergency Management

U.S. EPA, MailCode 5104A

1200 Pennsylvania Avenue, NW

Washington DC 20004

(202) 564-8019

Message

From: Hayes, Scott [Hayes.Scott@epa.gov]
Sent: 10/27/2017 1:30:04 PM
To: Jacob, Sicy [Jacob.Sicy@epa.gov]
CC: Harper, Jodi [Harper.Jodi@epa.gov]; Stotts, Krystal [Stotts.Krystal@epa.gov]
Subject: FW: FW: CERCLA and EPCRA Ag Guidance is now available

Sicy,

What if the animal feeding operation sells the manure for fertilizer? To me, that falls outside of routine ag operations.

From: Broughton, Adam [mailto:adam.broughton@dnr.iowa.gov]
Sent: Friday, October 27, 2017 7:46 AM
To: Hayes, Scott <Hayes.Scott@epa.gov>
Subject: Re: FW: CERCLA and EPCRA Ag Guidance is now available

What about the sale of manure? Would that still be considered "routine agricultural operations". This comes into play with many of our turkey operations. The manure is collected and sold as a fertilizer. Is that still exempt?

Thanks,

Adam



Adam Broughton | Environmental Specialist Senior
Field Services Emergency Response
Iowa Department of Natural Resources
P 515-725-0386 | F 515-281-7229 | 7900 Hickman Rd. Suite 200,
Windsor Heights, IA 50324
www.iowadnr.gov

On Thu, Oct 26, 2017 at 3:53 PM, Hayes, Scott <Hayes.Scott@epa.gov> wrote:

Additional info from headquarters regarding #1

Any handling of the manure (storage and application) are considered part of the routine agricultural operations. However, I should direct you to the first sentence of the last paragraph of the EPCRA Q & A:

“Under EPA’s interpretation, a farm where substances are used only in routine agricultural operations is not within the scope of EPCRA section 304. “

https://www.epa.gov/sites/production/files/2017-10/documents/web_document_placeholder.pdf

From: Hayes, Scott

Sent: Thursday, October 26, 2017 1:50 PM

To: 'Broughton, Adam' <adam.broughton@dnr.iowa.gov>; Stotts, Krystal <Stotts.Krystal@epa.gov>

Cc: Hessenius, Kenneth <kenneth.hessenius@dnr.iowa.gov>; Jason Marcel <jason.marcel@dnr.iowa.gov>; william.ehm@dnr.iowa.gov; Book, Kelli <kelli.book@dnr.iowa.gov>; Sicy Jacob (Jacob.Sicy@epa.gov) <Jacob.Sicy@epa.gov>; Harper, Jodi (Harper.Jodi@epa.gov) <Harper.Jodi@epa.gov>; Blunk, Terri (Blunk.Terri@epa.gov) <Blunk.Terri@epa.gov>; Ndiaye, Fatimatou (Ndiaye.Fatimatou@epa.gov) <Ndiaye.Fatimatou@epa.gov>; Hensley, Dave (Hensley.Dave@epa.gov) <Hensley.Dave@epa.gov>

Subject: RE: FW: CERCLA and EPCRA Ag Guidance is now available

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2. Does CERCLA 103 reporting require notification at the state and local level (It only mentions federal notification)?

No. CERCLA 103 pertains to notifications to the National Response Center only. The NRC then “conveys” the information to the state.

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Sent: Thursday, October 26, 2017 11:14 AM

To: Hayes, Scott <Hayes.Scott@epa.gov>; Stotts, Krystal <Stotts.Krystal@epa.gov>

Cc: Hessenius, Kenneth <kenneth.hessenius@dnr.iowa.gov>; Jason Marcel <jason.marcel@dnr.iowa.gov>; william.ehm@dnr.iowa.gov; Book, Kelli <kelli.book@dnr.iowa.gov>

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Please share this information with your interested stakeholders and regional contacts.

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Thanks. Please let me know if you have any questions.

Sicy Jacob

Chemical Engineer

Regulations Implementation Division

Office of Emergency Management

U.S. EPA, MailCode 5104A

1200 Pennsylvania Avenue, NW

Washington DC 20004

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Subject: Re: FW: CERCLA and EPCRA Ag Guidance is now available

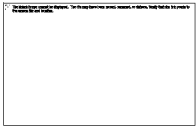
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Sícy Jacob

Chemical Engineer

Regulations Implementation Division

Office of Emergency Management

U.S. EPA, MailCode 5104A

1200 Pennsylvania Avenue, NW

Washington DC 20004

(202) 564-8019

Message

From: Jennings, Kim [Jennings.Kim@epa.gov]
Sent: 10/26/2017 4:41:54 PM
To: Jacob, Sicy [Jacob.Sicy@epa.gov]; Gioffre, Patricia [Gioffre.Patricia@epa.gov]
Subject: RE: CERCLA and EPCRA Ag Guidance is now available

Personal Matters / Ex. 6

Kim Jennings
Division Director || Regulations Implementation Division
U.S. Environmental Protection Agency || Office of Emergency Management
E-mail: jennings.kim@epa.gov || Desk: (202) 564-7998 ||

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Subject: RE: CERCLA and EPCRA Ag Guidance is now available

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Sent: Thursday, October 26, 2017 12:33 PM
To: Jacob, Sicy <Jacob.Sicy@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>
Subject: RE: CERCLA and EPCRA Ag Guidance is now available

Look at that-our first comment on the guidance. ☺
Let's collect these to be sure we address in any revisions we develop.

Patty Gioffre
US EPA/OLEM/OEM
202-564-1972
202-748-7139 (cell)

[Follow OLEM](#) on Twitter @EPALand

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To: Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>

Cc: Jacob, Sicy <Jacob.Sicy@epa.gov>

Subject: RE: CERCLA and EPCRA Ag Guidance is now available

Importance: High

Deliberative Process / Ex. 5

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Washington DC 20004
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From: Gioffre, Patricia

Sent: Thursday, October 26, 2017 11:55 AM

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Subject: RE: CERCLA and EPCRA Ag Guidance is now available

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Subject: Fwd: CERCLA and EPCRA Ag Guidance is now available

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From: "Kindt, Trish" <Trish.Kindt@state.sd.us>
Date: October 26, 2017 at 8:50:21 AM MDT
To: "Broussard, Rebecca (Broussard.Rebecca@epa.gov)" <Broussard.Rebecca@epa.gov>
Cc: "Kathie Atencio (Atencio.Kathie@epa.gov)" <Atencio.Kathie@epa.gov>, "Lori Reed" <reed.lori@epa.gov>
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Acting Deputy Division Director
USEPA (OLEM/OEM/RID)
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Sent: 10/26/2017 4:39:20 PM
To: Jacob, Sicy [Jacob.Sicy@epa.gov]; Jennings, Kim [Jennings.Kim@epa.gov]
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Personal Matters / Ex. 6

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Deliberative Process / Ex. 5

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From: Gioffre, Patricia [Gioffre.Patricia@epa.gov]
Sent: 10/26/2017 3:55:33 PM
To: Haas, Craig [Haas.Craig@epa.gov]; Ziegel, Dean [Ziegel.Dean@epa.gov]
CC: Jennings, Kim [Jennings.Kim@epa.gov]; Jacob, Sicy [Jacob.Sicy@epa.gov]
Subject: RE: CERCLA and EPCRA Ag Guidance is now available

Sorry for the confusion Craig-I hadn't caught up with Kim about your discussion this morning.

Patty Gioffre
US EPA/OLEM/OEM
202-564-1972
202-748-7139 (cell)

[Follow OLEM on Twitter @EPALand](#)

From: Haas, Craig
Sent: Thursday, October 26, 2017 11:23 AM
To: Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Ziegel, Dean <Ziegel.Dean@epa.gov>
Cc: Jennings, Kim <Jennings.Kim@epa.gov>; Jacob, Sicy <Jacob.Sicy@epa.gov>
Subject: RE: CERCLA and EPCRA Ag Guidance is now available

Kim, you're sending this out, right?

From: Gioffre, Patricia
Sent: Thursday, October 26, 2017 11:10
To: Ziegel, Dean <Ziegel.Dean@epa.gov>; Haas, Craig <Haas.Craig@epa.gov>
Cc: Jennings, Kim <Jennings.Kim@epa.gov>; Jacob, Sicy <Jacob.Sicy@epa.gov>
Subject: FW: CERCLA and EPCRA Ag Guidance is now available

Can you share the following announcement with the regions?
Thanks!

I am pleased to announce that the CERCLA/ EPCRA ag guidance is live on the EPA website. The guidance is intended to assist farmers in reporting air releases of hazardous substances from animal waste at farms. EPA is making this information available to provide time for farmers to review and prepare for the reporting obligation, which could become effective as early as November 15, 2017.

On December 18, 2008, EPA published a final rule that exempted certain farms from reporting air releases of hazardous substances from animal waste. On April 11, 2017, the DC Circuit Court vacated this final rule. In response to a request from EPA, the DC Circuit Court extended the date on which its ruling would become effective to November 15, 2017. Unless the court further extends this date, farms (including those previously exempted by EPA's rule) that release hazardous substances to the air from animal wastes equal to or greater than the reportable quantities for those hazardous substances within any 24-hour period must comply with applicable statutory reporting requirements.

To view EPA's guidance and Frequently Asked Questions on reporting air emissions from animal waste: <https://www.epa.gov/epcra/cercla-and-epcra-reporting-requirements-air-releases-hazardous-substances-animal-waste-farms>

EPA will revise this guidance, as necessary, to reflect additional information to assist farm owners and operators to meet reporting obligations. Interested parties may submit comments or suggestions by November 24, 2017.

Please share this information with your interested stakeholders and regional contacts.

Best wishes!

Patty Gioffre
Acting Deputy Division Director
USEPA (OLEM/OEM/RID)
1200 Pennsylvania Ave. NW (5104A)
Washington, DC 20460
202-564-1972
202-748-7139 (cell)

From: Broussard, Rebecca [Broussard.Rebecca@epa.gov]
Sent: 10/26/2017 2:55:32 PM
To: Houghteling, Jana [jhougtheling17@law.du.edu]; Brian.Abeel@CalOES.ca.gov; Yvonne.Addassi@wildlife.ca.gov; Charma.Anderson@mil.wa.gov; Atencio, Kathie [Atencio.Kathie@epa.gov]; ratkins@adcogov.org; Scott Baird [scottbaird@utah.gov]; cbarnitz@utah.gov; kbaratti@dps.state.nv.us; cbarton@sevier.utah.gov; rjbavier@up.com; Bazley, Greg [Bazley.Greg@epa.gov]; Courtney.Bear@pima.gov; tom.bergman@deq.ok.gov; Abinning@co.albany.wy.us; Carolyn.Bluhm@denvergov.org; Bockstahler, Breann [Bockstahler.breann@epa.gov]; derek.boer@state.co.us; james.bohon@calepa.ca.gov; Bosecker, Elizabeth [Bosecker.Elizabeth@epa.gov]; rik@clarkcountynv.gov; dbruno@mt.gov; scott.bunning@aristatek.com; Thomas.E.Campbell@CalOES.ca.gov; Rc11@AzDeq.Gov; Chavez, Luke [Chavez.Luke@epa.gov]; Cobb, David [cobb.david@epa.gov]; albanyema2@gmail.com; Cristiano, Gina [Cristiano.Gina@epa.gov]; Danni.jd@dol.gov; rdeboer@nd.gov; delzer@nd.gov; adeyo@utah.gov; thomas.finch@dot.gov; thad.fitch@HQ.DHS.GOV; nfogg@arapahoegov.com; susan.forsythe@mil.wa.gov; gary.freeman@denvergov.org; tgablehouse@gcgllc.com; kgiles@utah.gov; dglatt@nd.gov; shawn.graff@hq.dhs.gov; walter.leonguerrero@epa.guam.gov; bhabeck@mt.gov; mahall@mt.gov; krishamlet@utah.gov; khammer@utah.gov; James.Harsen@HQ.DHS.GOV; wharris@bhs.idaho.gov; mharris@fcfd3.org; j.havner@seattle.gov; therrera@bhs.idaho.gov; chill@utah.gov; dhourihan@itcn.org; donhuber11@gmail.com; Joe.Hunter@wyo.gov; Jacob, Sicy [Jacob.Sicy@epa.gov]; Jennings, Kim [Jennings.Kim@epa.gov]; djohnson@cityoflamie.org; mark.johnston@state.or.us; jones, bill [jones.bill@epa.gov]; trish.kindt@state.sd.us; erich.kurtz@wyo.gov; terrence.larson@dot.gov; Lawrence, Kathryn [Lawrence.Kathryn@epa.gov]; leary.paul@dol.gov; patrick.lease@dot.gov; LeGreid, Kathleen [LeGreid.Kathleen@epa.gov]; victoria.lehman@dot.gov; Jonah.lennear@dot.gov; sharon.leonida@doh.hawaii.gov; dlepik@transcaer.com; jonathan.lesko@dot.gov; dale.h.lewis@dot.gov; Rodney.Lockett@HQ.DHS.GOV; rick.lopez@wyo.gov; lorenzo.chris@dol.gov; Sean.Lynum@dot.gov; jory.maes@state.co.us; Magdangal, David [magdangal.david@epa.gov]; larry.majerus@wyo.gov; cmartin@utah.gov; Michael.martinez@hq.dhs.gov; pmason@auroragov.org; Matas.Randall@azdeq.gov; elizabeth.a.mccane.nfg@mail.mil; McFadden, Kelly [McFadden.Kelly@epa.gov]; kim.mcintosh@state.sd.us; Kathy.mckeever@hq.dhs.gov; Russel.McNamara@dot.gov; meagher.megan@dol.gov; mzucker@utah.gov; Morales, Javier [Morales.Javier@epa.gov]; rmoseley@utah.gov; jimmullins@me.com; lynette.myers@state.co.us; Marc.Nichols@dot.gov; lisa.o'donnell@dot.gov; Olachea.John@dol.gov; Ostrander, David [Ostrander.David@epa.gov]; sue.otjen@state.or.us; mottley@utah.gov; sparker@dps.state.nv.us; paul.penn@calepa.ca.gov; deeann.ragland@wyo.gov; Ramirez, Steven A [ramirez.stevena@epa.gov]; Reed, Lori [Reed.Lori@epa.gov]; lisa.reichenbacher@dot.gov; Robinson, Janis [Robinson.Janis@epa.gov]; Yr1@azdeq.gov; Rose.amber@dol.gov; rrudisill@weldgov.com; jrylee@bhs.idaho.gov; fran.santagata@state.co.us; Rsayre@santacruzcountyaz.gov; sradig@nd.gov; esael@dcsheriff.net; james.simmons@dot.gov; gary.smith@ammonia-safety.com; ksquires@utah.gov; greg.stasinos@state.co.us; matts@aristatek.com; Autumn.Stout@state.sd.us; nbtaylor@utah.gov; jathompson@nd.gov; gthornton@arapahoegov.com; carlos.vazquez@HQ.DHS.GOV; Scott.Wade@nnsa.doe.gov; alwalton@dcsheriff.net; kim.weibl@alaska.gov; wwhealan@bcfd4.org; swhi461@ECY.WA.GOV; jwhites1@utah.gov; earl.whitley@dot.gov; dustin.willett@co.pennington.sd.us; Williams, Erin [Williams.Erin@epa.gov]; patricia.williams@thecepp.org; jwisner3@gmail.com; jared.woody@alaska.gov; paul.wotherspoon@em.myflorida.com; John.Woytak@fema.dhs.gov; Jwrighteng@aol.com; Zentner.Todd@dol.gov [zentner.todd@dol.gov]; James.williams@hq.dhs.gov; cswilson@dps.state.nv.us; kelly.thomas@ndep.nv.gov; peter.hartmann@mil.wa.gov; aohare@tfi.org; Justin.piper@bnsf.com; Smith, Catherine [smith.catherine@epa.gov]; Geyer, Rebecca [geyer.rebecca@epa.gov]; Nutter.Chris@azdeq.gov; Ladd, Jean [jean.ladd@illinois.gov]; Joseph Leonard [jleonard@cteh.com]; Smith, Tracy [TraSmith@dhs.IN.gov]; Heffner, Michael D [michael.heffner@state.or.us]; Frank, Randy [RFrank@marioncoks.net]; Ty Gates [ty.gates@rbc.us]; Evans, Bob [Bob.P.Evans@illinois.gov]; Rosie Ybarra [rosieybarra2015@gmail.com]; kendra.appelman-eastvedt@state.co.us; Sandi Duffey [sduffey@grantcountywa.gov]; Reginald Marshall [Reginald.Marshall@ema.alabama.gov]; Kirkpatrick, Mike [MKirkpatrick@westmetrofire.org]; Gene Dunegan [Gene.Dunegan@la.gov]; Matthew Marmor [Marmor.Matthew@co.calumet.wi.us]; Canterbury, Lori [Lori.Canterbury@illinois.gov]; Richards, Jamie [jamie.richards@hq.dhs.gov]; Horn, Kelly [Kelly.Horn@illinois.gov]; Ashcraft, Karen [Ashcraft@pueblocounty.us]; Gerry Murt [Gerry.Murt@apexcos.com]; Filer, Jill [filerj@pueblocounty.us]; Richen, Michael [mrichen@bouldercounty.org]; Abney, Jason [JasonAbney@Centura.Org]; Christian Hornbaker [chornbaker@co.grand.co.us]; kdavies@broomfield.org; Davis, Sharon H. - Workers Compensation [Sharon.Davis@denvergov.org]; Rylee Jeff [jrylee@imd.idaho.gov]; Don Angell [dangell@montrosecounty.net]; Scheid, Cody [scheidc@pueblocounty.us]; Tony Wells [twells@co.washington.co.us]; Finehout, Jason [Jason.Finehout@denverwater.org]; Libby Nelson [libby.m.nelson@gmail.com]; Kelly, Joshua L (DEMA)

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Subject: CERCLA/EPCRA Ag Guidance

I am pleased to announce that the CERCLA/ EPCRA ag guidance is live on the EPA website. The guidance is intended to assist farmers in reporting air releases of hazardous substances from animal waste at farms. EPA is making this information available to provide time for farmers to review and prepare for the reporting obligation, which could become effective as early as November 15, 2017.

On December 18, 2008, EPA published a final rule that exempted certain farms from reporting air releases of hazardous substances from animal waste. On April 11, 2017, the DC Circuit Court vacated this final rule. In response to a request from EPA, the DC Circuit Court extended the date on which its ruling would become effective to November 15, 2017. Unless the court further extends this date, farms (including those previously exempted by EPA's rule) that release hazardous substances to the air from animal wastes equal to or greater than the reportable quantities for those hazardous substances within any 24-hour period must comply with applicable statutory reporting requirements.

To view EPA's guidance and Frequently Asked Questions on reporting air emissions from animal waste: <https://www.epa.gov/epcra/cercla-and-epcra-reporting-requirements-air-releases-hazardous-substances-animal-waste-farms>

EPA will revise this guidance, as necessary, to reflect additional information to assist farm owners and operators to meet reporting obligations. Interested parties may submit comments or suggestions by November 24, 2017.

Please share this information with your interested stakeholders and regional contacts.

Best,
Rebecca

On Oct 25, 2017, at 2:58 PM, Broussard, Rebecca <Broussard.Rebecca@epa.gov> wrote:

Hi all,

Thanks for being on the webinar today, and special thanks to Catherine Smith for her presentation. Attached and below are the documents we discussed. Please let me know if you have any questions.

FAQ: Are hazardous chemicals present at rail yards subject to EPCRA 311/312? <<https://emergencymanagement.zendesk.com/hc/en-us/articles/115003570807-Are-hazardous-chemicals-present-at-rail-yards-subject-to-EPCRA-311-312->>

FAQ: When does "storage incident to transportation" end? <<https://emergencymanagement.zendesk.com/hc/en-us/articles/115003683168-When-does-storage-incident-to-transportation-end->>

FAQ: Are hazardous chemicals in transportation subject to EPCRA 311/312? <<https://emergencymanagement.zendesk.com/hc/en-us/articles/211416718-Are-hazardous-chemicals-in-transportation-subject-to-EPCRA-311-312->>

Best,

Rebecca Broussard
Environmental Protection Specialist
EPA Region 8
(o): 303-312-6568
(m): 303-501-0007

<Belke Affidavit Final 11-08-2016.pdf>

<2017-05-22 North Carolina OAH Final Decision on Summary Judgment.pdf>

<EPCRA and Storage of Chemicals in Rail Yards _DenverS.pptx>

<2018 Western Regions SERC Conf.docx>

Message

From: Franklin, Kathy [Franklin.Kathy@epa.gov]
Sent: 10/13/2017 4:55:53 PM
To: Jacob, Sicy [Jacob.Sicy@epa.gov]
CC: Gioffre, Patricia [Gioffre.Patricia@epa.gov]
Subject: FW: waste piles and CERCLA

Forwarding to Sicy

Kathy Franklin
USEPA, Office of Emergency Management
WJ Clinton North Bldg., Rm. 6450G Mailcode 5104A
1200 Pennsylvania Ave. NW, Washington, DC 20460 (Zip 20004 for private courier delivery)
Phone: 202-564-7987
Email: franklin.kathy@epa.gov

From: Lewis, Jen
Sent: Friday, October 13, 2017 12:53 PM
To: Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Salo, Earl <Salo.Earl@epa.gov>; Swenson, Erik <Swenson.Erik@epa.gov>; Michaud, John <Michaud.John@epa.gov>
Cc: Brooks, Becky <Brooks.Becky@epa.gov>; Hilosky, Nick <Hilosky.Nick@epa.gov>; Hostage, Barbara <Hostage.Barbara@epa.gov>; Davis, Patrick <davis.patrick@epa.gov>; Noggle, William <Noggle.William@epa.gov>; Noggle, William <Noggle.William@epa.gov>; Breen, Barry <Breen.Barry@epa.gov>; Simon, Nigel <Simon.Nigel@epa.gov>; Clark, Becki <Clark.Beki@epa.gov>; Franklin, Kathy <Franklin.Kathy@epa.gov>; Cheatham, Reggie <cheatham.reggie@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Rees, Sarah <rees.sarah@epa.gov>
Subject: RE: waste piles and CERCLA

Attorney Client / Ex. 5

Jen Lewis
Deputy Associate General Counsel
Solid Waste and Emergency Response Law Office
(202) 564-2097

From: Gioffre, Patricia

Sent: Friday, October 13, 2017 12:02 PM

To: Lewis, Jen <Lewis.Jen@epa.gov>; Salo, Earl <Salo.Earl@epa.gov>; Swenson, Erik <Swenson.Erik@epa.gov>; Michaud, John <Michaud.John@epa.gov>

Cc: Brooks, Becky <Brooks.Becky@epa.gov>; Hilosky, Nick <Hilosky.Nick@epa.gov>; Hostage, Barbara <Hostage.Barbara@epa.gov>; Davis, Patrick <davis.patrick@epa.gov>; Noggle, William <Noggle.William@epa.gov>; Noggle, William <Noggle.William@epa.gov>; Lewis, Jen <Lewis.Jen@epa.gov>; Breen, Barry <Breen.Barry@epa.gov>; Simon, Nigel <Simon.Nigel@epa.gov>; Clark, Becki <Clark.Beki@epa.gov>; Franklin, Kathy <Franklin.Kathy@epa.gov>; Cheatham, Reggie <cheatham.reggie@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Rees, Sarah <rees.sarah@epa.gov>

Subject: RE: waste piles and CERCLA

FYI-Bill and I had a quick conversation with Patrick on his direction in the email below. This email is to update you on the outcome of that conversation.

Deliberative Process / Ex. 5

Patty Gioffre
US EPA/OLEM/OEM
202-564-1972
202-748-7139 (cell)

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From: Davis, Patrick

Sent: Friday, October 13, 2017 11:36 AM

To: Noggle, William <Noggle.William@epa.gov>; Lewis, Jen <Lewis.Jen@epa.gov>; Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Breen, Barry <Breen.Barry@epa.gov>; Simon, Nigel <Simon.Nigel@epa.gov>; Clark, Becki <Clark.Beki@epa.gov>; Franklin, Kathy <Franklin.Kathy@epa.gov>; Cheatham, Reggie <cheatham.reggie@epa.gov>; Michaud, John <Michaud.John@epa.gov>; Swenson, Erik <Swenson.Erik@epa.gov>; Salo, Earl <Salo.Earl@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Rees, Sarah <rees.sarah@epa.gov>

Cc: Brooks, Becky <Brooks.Becky@epa.gov>; Hilosky, Nick <Hilosky.Nick@epa.gov>; Hostage, Barbara <Hostage.Barbara@epa.gov>

Subject: RE: waste piles and CERCLA

Hi Bill,

Deliberative Process / Ex. 5

Thanks,

Patrick Davis
Environmental Protection Agency
Deputy Assistant Administrator, Office of Land and Emergency Management
202-564-3103 office
Cellular Phone / Ex. 6

Information sent to this email address may be subject to FOIA.

From: Noggle, William
Sent: Friday, October 13, 2017 11:20 AM
To: Lewis, Jen <Lewis.Jen@epa.gov>; Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Davis, Patrick <davis.patrick@epa.gov>; Breen, Barry <Breen.Barry@epa.gov>; Simon, Nigel <Simon.Nigel@epa.gov>; Clark, Becki <Clark.Beki@epa.gov>; Franklin, Kathy <Franklin.Kathy@epa.gov>; Cheatham, Reggie <cheatham.reggie@epa.gov>; Michaud, John <Michaud.John@epa.gov>; Swenson, Erik <Swenson.Erik@epa.gov>; Salo, Earl <Salo.Earl@epa.gov>
Cc: Brooks, Becky <Brooks.Becky@epa.gov>; Hilosky, Nick <Hilosky.Nick@epa.gov>; Hostage, Barbara <Hostage.Barbara@epa.gov>
Subject: waste piles and CERCLA

Patrick,

Deliberative Process / Ex. 5

How would you like to handle the CERCLA issue? We have a call with OMB and DOJ scheduled for 3:30 today to discuss.

Thanks,
Bill
202-566-1306

Message

From: Franklin, Kathy [Franklin.Kathy@epa.gov]
Sent: 10/13/2017 3:28:53 PM
To: Jacob, Sicy [Jacob.Sicy@epa.gov]
Subject: FW: waste piles and CERCLA

FYI

Kathy Franklin
USEPA, Office of Emergency Management
WJ Clinton North Bldg., Rm. 6450G Mailcode 5104A
1200 Pennsylvania Ave. NW, Washington, DC 20460 (Zip 20004 for private courier delivery)
Phone: 202-564-7987
Email: franklin.kathy@epa.gov

From: Noggle, William
Sent: Friday, October 13, 2017 11:20 AM
To: Lewis, Jen <Lewis.Jen@epa.gov>; Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Davis, Patrick <davis.patrick@epa.gov>; Breen, Barry <Breen.Barry@epa.gov>; Simon, Nigel <Simon.Nigel@epa.gov>; Clark, Becki <Clark.Becki@epa.gov>; Franklin, Kathy <Franklin.Kathy@epa.gov>; Cheatham, Reggie <cheatham.reggie@epa.gov>; Michaud, John <Michaud.John@epa.gov>; Swenson, Erik <Swenson.Erik@epa.gov>; Salo, Earl <Salo.Earl@epa.gov>
Cc: Brooks, Becky <Brooks.Becky@epa.gov>; Hilosky, Nick <Hilosky.Nick@epa.gov>; Hostage, Barbara <Hostage.Barbara@epa.gov>
Subject: waste piles and CERCLA

Patrick,

Deliberative Process / Ex. 5

How would you like to handle the CERCLA issue? We have a call with OMB and DOJ scheduled for 3:30 today to discuss.

Thanks,
Bill
202-566-1306

Message

From: Gioffre, Patricia [Gioffre.Patricia@epa.gov]
Sent: 10/13/2017 2:53:41 PM
To: Mayer, Eileen [Mayer.Eileen@epa.gov]
CC: Franklin, Kathy [Franklin.Kathy@epa.gov]; Jacob, Sicy [Jacob.Sicy@epa.gov]
Subject: Latest version of the CERCLA 103 webtext for posting on Monday 10/16
Attachments: Guidance for Farms DRAFT 10122017 .docx

Eileen,

I am attaching the latest version of the CERCLA 103 information to be posted by noon on Monday. There are a few things that can happen today that may affect portions of this text. **Deliberative Process / Ex. 5**

Deliberative Process / Ex. 5 That Q&A should be posted on our list of FAQs for our website with a link included in the CERCLA/EPCRA guidance attached.

Deliberative Process / Ex. 5

I will be in the office on Monday morning and will coordinate any further revisions with you then.
Thanks for your assistance on this!

Patty Gioffre
USEPA (OLEM/OEM)
1200 Pennsylvania Ave. NW (5104A)
Washington, DC 20460
202-564-1972
202-748-7139 (cell)

[Follow OLEM](#) on Twitter @EPALand

Message

From: Gioffre, Patricia [Gioffre.Patricia@epa.gov]
Sent: 10/13/2017 9:03:55 PM
To: Lewis, Jen [Lewis.Jen@epa.gov]; Franklin, Kathy [Franklin.Kathy@epa.gov]; Noggle, William [Noggle.William@epa.gov]; Salo, Earl [Salo.Earl@epa.gov]; Jacob, Sicy [Jacob.Sicy@epa.gov]
Subject: RE: Outcome from OMB meeting on 10/13

Thanks Jen. This is very helpful!

Patty Gioffre
US EPA/OLEM/OEM
202-564-1972
202-748-7139 (cell)

[Follow OLEM](#) on Twitter @EPALand

From: Lewis, Jen
Sent: Friday, October 13, 2017 5:00 PM
To: Franklin, Kathy <Franklin.Kathy@epa.gov>; Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Noggle, William <Noggle.William@epa.gov>; Salo, Earl <Salo.Earl@epa.gov>; Jacob, Sicy <Jacob.Sicy@epa.gov>
Subject: RE: Outcome from OMB meeting on 10/13

I think I'd rephrase the first bullet like this:

Attorney Client / Ex. 5

Jen Lewis
Deputy Associate General Counsel
Solid Waste and Emergency Response Law Office
(202) 564-2097

From: Franklin, Kathy
Sent: Friday, October 13, 2017 4:54 PM
To: Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Noggle, William <Noggle.William@epa.gov>; Lewis, Jen <Lewis.Jen@epa.gov>; Salo, Earl <Salo.Earl@epa.gov>; Jacob, Sicy <Jacob.Sicy@epa.gov>
Subject: RE: Outcome from OMB meeting on 10/13

Deliberative Process / Ex. 5

Kathy Franklin
USEPA, Office of Emergency Management

WJ Clinton North Bldg., Rm. 6450G Mailcode 5104A
1200 Pennsylvania Ave. NW, Washington, DC 20460 (Zip 20004 for private courier delivery)
Phone: 202-564-7987
Email: franklin.kathy@epa.gov

From: Gioffre, Patricia

Sent: Friday, October 13, 2017 4:44 PM

To: Noggle, William <Noggle.William@epa.gov>; Lewis, Jen <Lewis.Jen@epa.gov>; Salo, Earl <Salo.Earl@epa.gov>; Franklin, Kathy <Franklin.Kathy@epa.gov>; Jacob, Sicy <jacob.Sicy@epa.gov>

Subject: Outcome from OMB meeting on 10/13

Attorney Client / Ex. 5

Am I missing anything?

Patty Gioffre
USEPA (OLEM/OEM)
1200 Pennsylvania Ave. NW (5104A)
Washington, DC 20460
202-564-1972
202-748-7139 (cell)

[Follow OLEM](#) on Twitter @EPALand

Message

From: Mason, Steve [mason.steve@epa.gov]
Sent: 10/5/2017 5:01:57 PM
To: Jacob, Sicy [Jacob.Sicy@epa.gov]
CC: Jennings, Kim [Jennings.Kim@epa.gov]; Gioffre, Patricia [Gioffre.Patricia@epa.gov]
Subject: Re: EPA's Press Release on EPCRA CERCLA Air Emissions?

Yea

Sent from my iPhone

On Oct 5, 2017, at 11:36 AM, Jacob, Sicy <Jacob.Sicy@epa.gov> wrote:

Hi Steve: The farms that complied prior to the 2008 final rule are not affected by the vacatur. They already complied with CR release reporting requirements. So they do not need to worry unless they have an SSI. Thanks.

Sicy Jacob
Chemical Engineer
Regulations Implementation Division
Office of Emergency Management
U.S. EPA, MailCode 5104A
1200 Pennsylvania Avenue, NW
Washington DC 20004
(202) 564-8019

From: Mason, Steve
Sent: Wednesday, October 04, 2017 9:36 AM
To: Jacob, Sicy <Jacob.Sicy@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>
Subject: FW: EPA's Press Release on EPCRA CERCLA Air Emissions?

Deliberative Process / Ex. 5

With Regards, Steve

<image001.png>

CERCLA and EPCRA Reporting Requirements for Air Releases of Hazardous Substances from Animal Waste at Farms

On December 18, 2008, EPA published a final rule that exempted all farms from reporting air releases of hazardous substances from animal waste. This final rule applied to:

- Section 103 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA); and
- Section 304 of the Emergency Planning and Community Right-to-Know Act (EPCRA), if the farms stable or confine fewer than a certain numbers of animals.

On April 11, 2017, the DC Circuit Court vacated this final rule.

In response to a request from EPA, the DC Circuit Court extended the date by which farms must begin reporting these releases to November 15, 2017.

To assist farmers in meeting CERCLA and EPCRA reporting requirements, EPA is currently developing guidance. EPA is working to have this guidance available to farmers by October 16, 2017, to give them time to review the guidance and comply with the reporting requirements.

[Contact Us](#) to ask a question, provide feedback, or report a problem.

Detailed information that shows the revised date for when EPA will have guidance available is at this link:

<https://www.epa.gov/epcra/cercla-and-epcra-reporting-requirements-air-releases-hazardous-substances-animal-waste-farms>

Message

From: Jennings, Kim [Jennings.Kim@epa.gov]
Sent: 9/28/2017 4:33:58 PM
To: Jacob, Sicy [Jacob.Sicy@epa.gov]; Gioffre, Patricia [Gioffre.Patricia@epa.gov]
Subject: RE: Request to Post information today: EPCRA/CERCLA website announcement

Thanks!

Kim Jennings
Division Director || Regulations Implementation Division
U.S. Environmental Protection Agency || Office of Emergency Management
E-mail: jennings.kim@epa.gov || Desk: (202) 564-7998 ||

From: Jacob, Sicy
Sent: Thursday, September 28, 2017 12:32 PM
To: Gioffre, Patricia <Gioffre.Patricia@epa.gov>
Cc: Jennings, Kim <Jennings.Kim@epa.gov>
Subject: RE: Request to Post information today: EPCRA/CERCLA website announcement

I sent a note to Dean and Craig so they can forward the link to all the Regions using their conference call list. The list includes enforcement and program folks.

Sicy Jacob
Chemical Engineer
Regulations Implementation Division
Office of Emergency Management
U.S. EPA, MailCode 5104A
1200 Pennsylvania Avenue, NW
Washington DC 20004
(202) 564-8019

From: Gioffre, Patricia
Sent: Thursday, September 28, 2017 11:18 AM
To: Jacob, Sicy <Jacob.Sicy@epa.gov>; Franklin, Kathy <Franklin.Kathy@epa.gov>; Beaman, Joe <Beaman.Joe@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>; Hull, George <Hull.George@epa.gov>; Clark, Becki <Clark.Beki@epa.gov>; Cheatham, Reggie <cheatham.reggie@epa.gov>; Bosecker, Elizabeth <Bosecker.Elizabeth@epa.gov>
Cc: Hostage, Barbara <Hostage.Barbara@epa.gov>; Cogliano, Gerain <Cogliano.Gerain@epa.gov>; Noggle, William <Noggle.William@epa.gov>
Subject: Fwd: Request to Post information today: EPCRA/CERCLA website announcement

As requested by Patrick Davis, we have posted an announcement on our website today to give the public notice that we are planning to provide guidance on our website by 10/16/17.

We should be able to send out to regional contacts and our colleagues in OAR and OW.

See the link in the email below.

Sent from my iPhone

Begin forwarded message:

From: "Mayer, Eileen" <Mayer.Eileen@epa.gov>
Date: September 28, 2017 at 10:41:31 AM EDT
To: "Gioffre, Patricia" <Gioffre.Patricia@epa.gov>
Cc: "Jennings, Kim" <Jennings.Kim@epa.gov>, "Hull, George" <Hull.George@epa.gov>, "Taylor, Trish" <Taylor.Trish@epa.gov>, "Colip, Matthew" <colip.matthew@epa.gov>
Subject: RE: Request to Post information today: EPCRA/CERCLA website announcement

The page is live and available at: <https://www.epa.gov/epcra/cercla-and-epcra-reporting-requirements-air-releases-hazardous-substances-animal-waste-farms>

There is also a link on the EPCRA homepage.

Eileen M. Mayer
Web Editor-in-Chief ([EPCRA](#), [RMP](#), [Oil Spills Regulations](#), and [Emergency Response](#))
Office of Emergency Management
U.S. Environmental Protection Agency
202-564-9628

From: Gioffre, Patricia
Sent: Thursday, September 28, 2017 10:20 AM
To: Mayer, Eileen <Mayer.Eileen@epa.gov>
Cc: Jennings, Kim <Jennings.Kim@epa.gov>; Hull, George <Hull.George@epa.gov>; Taylor, Trish <Taylor.Trish@epa.gov>
Subject: Request to Post information today: EPCRA/CERCLA website announcement

Eileen- We got the message today from Patrick Davis that it is OK to post this information on our website. He would like it up today if that is possible.

Patty Gioffre
USEPA (OLEM/OEM)
1200 Pennsylvania Ave. NW (5104A)
Washington, DC 20460
202-564-1972
202-748-7139 (cell)

[Follow OLEM](#) on Twitter @EPALand

Message

From: Noggle, William [Noggle.William@epa.gov]
Sent: 9/27/2017 4:37:19 PM
To: Jacob, Sicy [Jacob.Sicy@epa.gov]; Gioffre, Patricia [Gioffre.Patricia@epa.gov]
CC: Jennings, Kim [Jennings.Kim@epa.gov]
Subject: RE: Ag Vacatur WG list
Attachments: Tiering-Form-Ag-Guidance.docx

Sicy, Patty, Kim,

Could you please review the attached tiering form today (you only need to review the abstract, which I copied below)? Also, please let me know what the schedule is for this guidance? Finally, isn't George Hull in the AO?

Abstract:

Deliberative Process / Ex. 5

Thanks,
Bill
202-566-1306

From: Jacob, Sicy
Sent: Wednesday, September 27, 2017 8:32 AM
To: Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Noggle, William <Noggle.William@epa.gov>
Cc: Jennings, Kim <Jennings.Kim@epa.gov>
Subject: RE: Ag Vacatur WG list

Sorry I meant to...getting old and forgetful ☺

Sicy Jacob
Chemical Engineer
Regulations Implementation Division
Office of Emergency Management
U.S. EPA, MailCode 5104A
1200 Pennsylvania Avenue, NW
Washington DC 20004
(202) 564-8019

From: Gioffre, Patricia
Sent: Wednesday, September 27, 2017 8:30 AM
To: Jacob, Sicy <Jacob.Sicy@epa.gov>; Noggle, William <Noggle.William@epa.gov>

Cc: Jennings, Kim <Jennings.Kim@epa.gov>

Subject: RE: Ag Vacatur WG list

Should we add George Hull from our office?

Patty Gioffre
US EPA/OLEM/OEM
202-564-1972
202-748-7139 (cell)

[Follow OLEM](#) on Twitter @EPALand

From: Jacob, Sicy

Sent: Wednesday, September 27, 2017 8:27 AM

To: Noggle, William <Noggle.William@epa.gov>

Cc: Jennings, Kim <Jennings.Kim@epa.gov>; Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Jacob, Sicy <Jacob.Sicy@epa.gov>

Subject: RE: Ag Vacatur WG list

Hi, Bill: You can put me and Kim Jennings as WG chairs.

Here is the list of people that are involved in developing guidance, Q & A, etc. All these folks will not be working on the rule to remove the language exempting farms. But all are providing support in developing guidance/Q & A.

Lynn Beasley worked on the original rule (2007/2008) and she has been involved in although she is in ORCR now.

Kim/Patty: I think I got everyone that is involved. Please let me/Bill know if I missed anyone. Thanks.

OAD Primary:	Robin Dunkins	OAD/OAQPS,SPPD, NRG
OAD Secondary:	Allison Costa	OAD/
OAD Secondary:	Bill Schrock	OAD/OAQPS,SPPD, NRG
OECA:	Dean Ziegel	OECA/
OECA:	Tim Sullivan	OECA/OCE,SLPD
OGC:	Erik Swenson	OGC/SWERLO
OGC:	Jen Lewis	OGC/
OGC:	Earl Salo	OGC/
OLEM:	Barbara Hostage	OLEM
OLEM:	Gerain Coglianor	OLEM ?
OLEM:	Kim Jennings	OLEM/OEM
OLEM :	Sicy Jacob	OLEM/OEM
OLEM:	Patricia Gioffre	OLEM/OEM
OLEM:	Joe Beaman	OLEM/OEM
OLEM:	Kathy Franklin	OLEM/OEM
OLEM:	Vanessa Principe	OLEM/OEM
OLEM:	Beth Bosecker	OLEM/OEM
OLEM:	Alan Tarrab	OLEM/OEM
ORCR:	Lynn Beasley	ORCR

Sicy Jacob
Chemical Engineer
Regulations Implementation Division
Office of Emergency Management

U.S. EPA, MailCode 5104A
1200 Pennsylvania Avenue, NW
Washington DC 20004
(202) 564-8019

From: Noggle, William
Sent: Tuesday, September 26, 2017 9:07 PM
To: Jacob, Sicy <Jacob.Sicy@epa.gov>
Subject: Ag Vacatur WG list

Sicy,
Are you the WG chair for the Ag vacatur rule? And the Ag reporting guidance? If so, I need help with the workgroup list. I have a feeling the list in ADP Tracker is out of date. Could you please let me know who is still part of the WG? Here is the list I have:

OA Primary:	Alicia Kaiser	OA/IO
OAR Primary:	Robin Dunkins	OAR/OAQPS,SPPD, NRG
OAR Secondary:	Larry Elmore	OAR/OAQPS,SPPD, NRG
OAR Secondary:	Allison Mayer	OAR/OAQPS,SPPD, NRG
OAR Secondary:	Bill Schrock	OAR/OAQPS,SPPD, NRG
OECA Primary:	Kimberly Fedinatz	OECA/OSRE,PPED
OECA Secondary:	Sanda Howland	OECA/OCE; SLPD
OECA Secondary:	Tim Sullivan	OECA/OCE,SLPD
OGC Primary:	Erik Swenson	OGC/SWERLO
OLEM Support:	Lynn Beasley	OLEM/OEM
OLEM Support:	Sicy Jacob	OLEM/OEM
OLEM Support:	Richard Mattick	OLEM/OEM
OLEM Support:	Peter Oh	OLEM/OEM
OP Primary:	Sharon Cooperstein	OP/ORPM/PRAD (202-564-7051)
ORD Primary:	Walter Cybulski	ORD/OAA; OSP
OW Primary:	Nina Bonnelycke	OW/OWM, WPD
R03 Primary:	Perry Pandya	Region03/HSCD
R04 Primary:	Bryce Covington	Region04/APTMD
R04 Secondary:	Caron Falconer	Region04/APTMD
R05 Primary:	RUTH MCNAMARA	Region05/SFD
R07 Primary:	George Hess	Region07/ARTD
R07 Secondary:	Dan Breedlove	Region07/ORA
R07 Secondary:	Alyse Stoy	Region07/ORA
R08 Primary:	David Cobb	Region08/OECEJ
R08 Secondary:	Michael Boydston	Region08/ORA/ORC
R08 Secondary:	Jennifer Schuller	Region08/ORA
R09 Primary:	Mary Wesling	Region09/SFD
R09 Secondary:	Michael Massey	Region09/ORC
R10 Primary:	Suzanne Powers	Region10/ECL
R10 Secondary:	Nicholas Peak	Region10/OE

Thanks,
Bill
202-566-1306

U.S. Environmental Protection Agency: OLEM / OEM
Communications Plan for Release of Guidance for Farms on Complying with Reporting
Requirements for Air Emissions from Animal Waste

DESCRIPTION OF ISSUE

On December 18, 2008, EPA published a final rule that exempted farms from reporting air releases of hazardous substances from animal waste. This final rule applied to:

- Section 103 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA); and
- Section 304 of the Emergency Planning and Community Right-to-Know Act (EPCRA), if the farms stable or confine fewer than a certain number of animals.

On April 11, 2017, the DC Circuit Court vacated this final rule.

In response to a request from EPA, the DC Circuit Court extended the date by which farms must begin reporting these releases to November 15, 2017. Starting on this date, all farms (including those previously exempted) that have releases of hazardous substances to air from animal wastes equal to or greater than their reportable quantities within any 24-hour period must provide notification of such releases.

To assist farmers in calculating and reporting their emissions from animal waste, EPA is releasing guidance one month prior to the reporting deadline of November 15, 2017. EPA is working with agricultural trade associations and the Farm Bureau to convey the guidance information to owners and operators of farms with livestock.

Timeframe: Release EPA Guidance on October 16, 2017.

CONTACTS

SMEs:

Kim Jennings 564-7998
Patricia Gioffre 564-1972
Sicy Jacob 564-8019

Communications:

George Hull OEM 564-0790
Trish Taylor, OCPA 566-2615
Christie St. Clair, OPA 564-2880
Eileen Mayer, OEM (Web) 564-9628

TARGETED AUDIENCES

- Owners and Operators of farms with livestock
- Agricultural Trade Associations focused on livestock
- State, local, and tribal governments (including SERCs, LEPCs, and TERCs)
- Environmental groups

MESSENGER(S)

- OEM / RID

Deliberative Process / Ex. 5

Commented [HG5]: Is Eileen the right contact for web?

Commented [JK6R5]: Yes

[PAGE * MERGEFORMAT]

U.S. Environmental Protection Agency: OLEM / OEM
Communications Plan for Release of Guidance for Farms on Complying with Reporting
Requirements for Air Emissions from Animal Waste

- OLEM / OPA /OCIR

KEY MESSAGES

- EPA is releasing guidance to assist farmers in estimating their air releases and meeting reporting requirements for air emissions releases of hazardous substances from animal waste at farms.
- EPA intends to make this information available to farmers by October 16, 2017, to provide time for farmers to review and comply with the reporting requirements.
- Farmers are required to begin reporting emissions of hazardous substances from animal waste on November 15, 2017.

Deliberative Process / Ex. 5

Background: On December 18, 2008, EPA published a final rule that exempted farms from reporting air releases of hazardous substances from animal waste. This final rule applied to:

Commented [HG9]: Again.

- Section 103 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA); and
- Section 304 of the Emergency Planning and Community Right-to-Know Act (EPCRA), if the farms stable or confine fewer than a certain number of animals.

On April 11, 2017, the DC Circuit Court vacated this final rule.

In response to a request from EPA, the DC Circuit Court extended the date by which farms must begin reporting these releases to November 15, 2017. Starting on this date, all farms (including those previously exempted) that have releases of hazardous substances to air from animal wastes equal to or greater than their reportable quantities within any 24-hour period must provide notification of such releases.

RECOMMENDED ACTIVITIES

Media Activities

- News release to targeted agricultural focused outlets

Social Media and New Media Activities

- Facebook/Twitter
- Web content updated with Frequent Questions
- OEM Listserv

Outreach Activities

External notifications

[PAGE * MERGEFORMAT]

U.S. Environmental Protection Agency: OLEM / OEM
Communications Plan for Release of Guidance for Farms on Complying with Reporting
Requirements for Air Emissions from Animal Waste

- Livestock Trade Associations:
 - National Cattleman's Beef Association
 - Arizona Cattle Growers Association
 - National Chicken Council
 - National Turkey Federation
 - US Poultry and Egg Association
 - United Egg Producers
 - National Pork Producers Council
 - National Pork Board
 - National Milk Producers Federation
 - Mid-Atlantic Dairy Association
 - Nisei Farmers League
 - Innovation Center for US Dairy
 - Dairy Farmers of America
 - Dairy Management Inc.
 - Livestock and Poultry Environmental Learning Center (extension agents at land grant universities)
 - Seaboard Farms
 - Tyson Foods
- State, Local and Tribal Officials
 - National Association of State Title III Officials (NASTPO), SERCs, TERCs, LEPCs
 - National Association of State Departments of Agriculture
 - National Association of Clean Air Agencies – Agriculture Committee
- American Farm Bureau Federation
 - Richard Guppton/Agricultural Retailers Association (ARA)
 - Clark Mica/The Fertilizer Institute (TFI)
- National Farmers Union
- Enviros/NGOs
 - Sierra Club
- Congressional Notifications

OCIR will provide e-mail notification to congressional committees with substantive jurisdiction over chemical facility safety including:

 - Senate Environment and Public Works
 - Senate Agriculture
 - House Energy and Commerce
 - House Agriculture
 - OCFO will provide e-mail notification to congressional Appropriations committees

Internal Notifications

Deliberative Process / Ex. 5

[PAGE * MERGEFORMAT]

U.S. Environmental Protection Agency: OLEM / OEM
Communications Plan for Release of Guidance for Farms on Complying with Reporting
Requirements for Air Emissions from Animal Waste

- Public Affairs (PADs)
- AAs and RAs
- Workgroup members

Collateral Materials

- OEM/SERC-TERC Updates Listserv messages
- News release
- Q&As (external)
- Q&As (internal)
- Facebook
- Web content
- OEM Web-posting

Responsible Party

Margaret Gérardin
George Hull
Sicy Jacob, RID Reg
Sicy Jacob, RID Reg
Trish Taylor/Julia Ortiz
Margaret Gérardin
Eileen Mayer

TIMELINE

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

[PAGE * MERGEFORMAT]

U.S. Environmental Protection Agency: OLEM / OEM
Communications Plan for Release of Guidance for Farms on Complying with Reporting
Requirements for Air Emissions from Animal Waste

Due Date	Time	Action	Owner
	Afternoon (post- press release)	OEM Listserv and SERC-TERC Updates Listerv	Margaret Gérardin

DRAFT

[PAGE * MERGEFORMAT]

Message

From: Franklin, Kathy [Franklin.Kathy@epa.gov]
Sent: 10/10/2017 3:57:23 PM
To: Beaman, Joe [Beaman.Joe@epa.gov]; Gioffre, Patricia [Gioffre.Patricia@epa.gov]
CC: Jacob, Sicy [Jacob.Sicy@epa.gov]; Hull, George [Hull.George@epa.gov]; Bosecker, Elizabeth [Bosecker.Elizabeth@epa.gov]; Jennings, Kim [Jennings.Kim@epa.gov]; Principe, Vanessa [Principe.Vanessa@epa.gov]
Subject: RE: Review requested for press inquiry on EPCRA CERCLA Vacatur (due 4 pm on 10/10)

My preferred wording:

Deliberative Process / Ex. 5

Kathy Franklin
USEPA, Office of Emergency Management
WJ Clinton North Bldg., Rm. 6450G Mailcode 5104A
1200 Pennsylvania Ave. NW, Washington, DC 20460 (Zip 20004 for private courier delivery)
Phone: 202-564-7987
Email: franklin.kathy@epa.gov

From: Beaman, Joe
Sent: Tuesday, October 10, 2017 11:35 AM
To: Gioffre, Patricia <Gioffre.Patricia@epa.gov>
Cc: Jacob, Sicy <Jacob.Sicy@epa.gov>; Hull, George <Hull.George@epa.gov>; Franklin, Kathy <Franklin.Kathy@epa.gov>; Bosecker, Elizabeth <Bosecker.Elizabeth@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>; Principe, Vanessa <Principe.Vanessa@epa.gov>
Subject: RE: Review requested for press inquiry on EPCRA CERCLA Vacatur (due 4 pm on 10/10)

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Thanks,

Joe

From: Principe, Vanessa

Sent: Tuesday, October 10, 2017 10:15 AM

To: Gioffre, Patricia <Gioffre.Patricia@epa.gov>

Cc: Jacob, Sicy <Jacob.Sicy@epa.gov>; Hull, George <Hull.George@epa.gov>; Franklin, Kathy <Franklin.Kathy@epa.gov>; Bosecker, Elizabeth <Bosecker.Elizabeth@epa.gov>; Beaman, Joe <Beaman.Joe@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>

Subject: RE: Review requested for press inquiry on EPCRA CERCLA Vacatur (due 4 pm on 10/10)

Some suggested edits.

Deliberative Process / Ex. 5

Take or leave as you see fit.

Thanks Patty, V

From: Jennings, Kim

Sent: Tuesday, October 10, 2017 6:45 AM

To: Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Jacob, Sicy <Jacob.Sicy@epa.gov>; Principe, Vanessa <Principe.Vanessa@epa.gov>; Hull, George <Hull.George@epa.gov>; Franklin, Kathy <Franklin.Kathy@epa.gov>; Bosecker, Elizabeth <Bosecker.Elizabeth@epa.gov>; Beaman, Joe <Beaman.Joe@epa.gov>

Subject: RE: Review requested for press inquiry on EPCRA CERCLA Vacatur (due 4 pm on 10/10)

See my edits.

Thanks for drafting these Patty.

Kim

Kim Jennings
Division Director || Regulations Implementation Division
U.S. Environmental Protection Agency || Office of Emergency Management
E-mail: jennings.kim@epa.gov || Desk: (202) 564-7998 ||

From: Gioffre, Patricia

Sent: Monday, October 09, 2017 9:48 PM

To: Jennings, Kim <Jennings.Kim@epa.gov>; Jacob, Sicy <Jacob.Sicy@epa.gov>; Principe, Vanessa <Principe.Vanessa@epa.gov>; Hull, George <Hull.George@epa.gov>; Franklin, Kathy <Franklin.Kathy@epa.gov>; Bosecker, Elizabeth <Bosecker.Elizabeth@epa.gov>; Beaman, Joe <Beaman.Joe@epa.gov>

Subject: Review requested for press inquiry on EPCRA CERCLA Vacatur (due 4 pm on 10/10)

Importance: High

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Patty Gioffre
US EPA/OLEM/OEM
202-564-1972
202-748-7139 (cell)

[Follow OLEM on Twitter @EPALand](#)

From: Principe, Vanessa

Sent: Friday, October 06, 2017 4:24 PM

To: Jacob, Sicy <Jacob.Sicy@epa.gov>; Hull, George <Hull.George@epa.gov>; Beaman, Joe <Beaman.Joe@epa.gov>

Cc: Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>

Subject: RESPONSES DUE COB TUESDAY 10/10 - FW: ACTION: Brownfield Ag News re: CAFOs reporting

Importance: High

All,

This press inquiry came in late Friday. Requested an extension until COB Tuesday. See questions below in email train.

A couple of them could be tricky - thought we may need to run responses thru OGC.

Thanks, V

From: Jones, Enesta

Sent: Friday, October 06, 2017 4:14 PM

To: Colip, Matthew <colip.matthew@epa.gov>

Cc: Principe, Vanessa <Principe.Vanessa@epa.gov>; Roache, Brendan <Roache.Brendan@epa.gov>; Clark, Becki <Clark.Beki@epa.gov>; Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>; Taylor, Trish <Taylor.Trish@epa.gov>

Subject: Re: ACTION: Brownfield Ag News re: CAFOs reporting

Sure, COB Tuesday — thanks all.

On Oct 6, 2017, at 4:12 PM, Colip, Matthew <colip.matthew@epa.gov> wrote:

Hi Vanessa,

I asked for an extension to Tuesday morning. Is more time needed ?

Enesta – can we push deadline to COB Tuesday?

Matt

Matthew Colip

Office of Communications, Partnerships and Analysis

Office of Land and Emergency Management (OLEM)

U.S. Environmental Protection Agency

Office: 202-566-2641

Mobile: 202-597-1887

[Follow us on Twitter @EPALand](#)

From: Principe, Vanessa

Sent: Friday, October 06, 2017 4:11 PM

To: Jones, Enesta <Jones.Enesta@epa.gov>

Cc: Roache, Brendan <Roache.Brendan@epa.gov>; Clark, Becki <Clark.Beki@epa.gov>; Colip, Matthew <colip.matthew@epa.gov>; Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>
Subject: FW: ACTION: Brownfield Ag News re: CAFOs reporting
Importance: High

Enesta,

FYI – forwarding our request for additional time for this inquiry given its sensitivities.

Thanks, Vanessa

From: Principe, Vanessa
Sent: Friday, October 06, 2017 3:56 PM
To: Roache, Brendan <Roache.Brendan@epa.gov>
Cc: Clark, Becki <Clark.Beki@epa.gov>; Colip, Matthew <colip.matthew@epa.gov>
Subject: RE: ACTION: Brownfield Ag News re: CAFOs reporting
Importance: High

Most of the folks working on this action are out until Tuesday. Additionally, given the interest on this action and the nature of the questions, I would want to run the responses through OGC.

Respectfully requesting additional time for OEM to “run the traps” on this - until early next week.

Thanks, V

From: Roache, Brendan
Sent: Friday, October 06, 2017 3:34 PM
To: Principe, Vanessa <Principe.Vanessa@epa.gov>
Cc: Clark, Becki <Clark.Beki@epa.gov>; Colip, Matthew <colip.matthew@epa.gov>
Subject: FW: ACTION: Brownfield Ag News re: CAFOs reporting

Vanessa,

Since you’re Acting this afternoon for RID, do you have any input/response on the reporter’s questions below related to the Concentrated Animal Feeding Operation questions?

Thanks.
Brendan

From: Colip, Matthew
Sent: Friday, October 06, 2017 3:25 PM
To: Indermark, Michele <Indermark.Michele@epa.gov>; Cheatham, Reggie <cheatham.reggie@epa.gov>; Clark, Becki <Clark.Beki@epa.gov>; Roache, Brendan <Roache.Brendan@epa.gov>
Subject: ACTION: Brownfield Ag News re: CAFOs reporting

See inquiry below – deadline 4pm today

From: Jones, Enesta
Sent: Friday, October 06, 2017 3:22 PM
To: Colip, Matthew <colip.matthew@epa.gov>; Cohen, Nancy <Cohen.Nancy@epa.gov>; Benjamin, Kent <Benjamin.Kent@epa.gov>; Taylor, Trish <Taylor.Trish@epa.gov>

Cc: Jones, Enesta <Jones.Enesta@epa.gov>

Subject: ACTION: Brownfield Ag News re: CAFOs reporting

He added a question:

What is a “reportable quantity” and how is it determined when that quantity is reached?

Good day! Tight deadline; please let me know if you need more time.

Reporter: Tom Steever

Outlet: Brownfield Ag News

DDL: 4 p.m. today

Can you confirm that this taking place 11/15?

How big of an area does it affect (U.S. at large)?

How will farmers know when they’ve reached a reporting threshold?

How big a livestock operation is affected?

What penalties are there for violations?

Message

From: Gioffre, Patricia [Gioffre.Patricia@epa.gov]
Sent: 9/5/2017 4:11:57 PM
To: Mayer, Eileen [Mayer.Eileen@epa.gov]
CC: Gerardin, Margaret [Gerardin.Margaret@epa.gov]; Jacob, Sicy [Jacob.Sicy@epa.gov]
Subject: RE: Draft Update on CERCLA/ EPCRA Reporting Requirements for Air Release of Hazardous Substances from Animal Waste at Farms

It's possible that there may be some press interest but I couldn't possibly anticipate that. Kim will be back next week and may have some insight there.

Patty Gioffre
US EPA/OLEM/OEM
202-564-1972
202-748-7139 (cell)

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From: Mayer, Eileen
Sent: Tuesday, September 05, 2017 11:16 AM
To: Gioffre, Patricia <Gioffre.Patricia@epa.gov>
Cc: Gerardin, Margaret <Gerardin.Margaret@epa.gov>; Jacob, Sicy <Jacob.Sicy@epa.gov>
Subject: RE: Draft Update on CERCLA/ EPCRA Reporting Requirements for Air Release of Hazardous Substances from Animal Waste at Farms

Once we've finalized the text, I will:

- Create the draft web page
- Create the draft highlight box for the EPCRA homepage
- Provide OCPA with the required spreadsheet with links to the draft information for their review.

Do we anticipate any press coverage from this? That's their main concern and will impact how long it takes to get approval.

Eileen M. Mayer
Web Editor-in-Chief (EPCRA, RMP, Oil Spills Regulations, and Emergency Response)
Office of Emergency Management
U.S. Environmental Protection Agency

From: Gioffre, Patricia
Sent: Tuesday, September 05, 2017 11:08 AM
To: Mayer, Eileen <Mayer.Eileen@epa.gov>
Cc: Gerardin, Margaret <Gerardin.Margaret@epa.gov>; Jacob, Sicy <Jacob.Sicy@epa.gov>
Subject: RE: Draft Update on CERCLA/ EPCRA Reporting Requirements for Air Release of Hazardous Substances from Animal Waste at Farms

You are fabulous Eileen-I didn't even get a chance to respond to ask you to clean this up I want to see if I get any comments from others before moving this forward.

When we are ready, what will be the process to get this approved for web posting? Will we need to include OCPA?

Patty Gioffre
US EPA/OLEM/OEM
202-564-1972
202-748-7139 (cell)

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From: Mayer, Eileen
Sent: Tuesday, September 05, 2017 11:04 AM
To: Gioffre, Patricia <Gioffre.Patricia@epa.gov>
Cc: Gerardin, Margaret <Gerardin.Margaret@epa.gov>; Jacob, Sicy <Jacob.Sicy@epa.gov>
Subject: RE: Draft Update on CERCLA/ EPCRA Reporting Requirements for Air Release of Hazardous Substances from Animal Waste at Farms

Sorry, I made a minor edit. Please use this version.

Eileen M. Mayer
Web Editor-in-Chief ([EPCRA](#), [RMP](#), [Oil Spills Regulations](#), and [Emergency Response](#))
Office of Emergency Management
U.S. Environmental Protection Agency

From: Gioffre, Patricia
Sent: Tuesday, September 05, 2017 10:33 AM
To: Mayer, Eileen <Mayer.Eileen@epa.gov>
Cc: Gerardin, Margaret <Gerardin.Margaret@epa.gov>; Jacob, Sicy <Jacob.Sicy@epa.gov>
Subject: FW: Draft Update on CERCLA/ EPCRA Reporting Requirements for Air Release of Hazardous Substances from Animal Waste at Farms

Eileen,
RID is gathering feedback from others on the attached draft update on CERCLA/EPCRA farm reporting requirements. There have been a lot of questions since the courts vacated the rule that exempted reporting of air release of HS from animal wastes. We'd like to get a message on our website and I know that you will need to evaluate the write-up to comply with web posting rules. Take a look and give me some feedback at your earliest convenience.
Thanks.

Patty Gioffre
US EPA/OLEM/OEM
202-564-1972
202-748-7139 (cell)

[Follow OLEM](#) on Twitter @EPALand

From: Gioffre, Patricia

Sent: Tuesday, September 05, 2017 10:23 AM

To: Earl Salo <Salo.Earl@epa.gov>; Swenson, Erik <Swenson.Erik@epa.gov>; Ziegel, Dean <Ziegel.Dean@epa.gov>; Franklin, Kathy (Franklin.Kathy@epa.gov) <Franklin.Kathy@epa.gov>; Sullivan, Tim <Sullivan.Tim@epa.gov>; Barbara Hostage (Hostage.Barbara@epa.gov) <Hostage.Barbara@epa.gov>; Christopher Prins (Prins.Christopher@epa.gov) <Prins.Christopher@epa.gov>; William Noggle (Noggle.William@epa.gov) <Noggle.William@epa.gov>; Beasley, Lynn <Beasley.Lynn@epa.gov>

Cc: Jacob, Sicy <Jacob.Sicy@epa.gov>; Hull, George <Hull.George@epa.gov>; Jennings, Kim (Jennings.Kim@epa.gov) <Jennings.Kim@epa.gov>

Subject: Draft Update on CERCLA/ EPCRA Reporting Requirements for Air Release of Hazardous Substances from Animal Waste at Farms

Attached is a draft summary that can be used to answer questions on the vacatur of the CERCLA/ EPCRA reporting exemption for farms. EPA has received a lot of questions following the vacatur of the rule and this document is intended to be used as a standard response that all EPA offices can use.

We also plan to put this message on our website as an announcement with "more to come" as we develop our "guidance."

Please review and respond to all on this message with any suggested edits by COB Wednesday. I'd like to get this out quickly to the other EPA offices (air and water) and onto our website.

Much thanks to Sicy and George for drafting this document!

Patty Gioffre
USEPA (OLEM/OEM)
1200 Pennsylvania Ave. NW (5104A)
Washington, DC 20460
202-564-1972
202-748-7139 (cell)

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Message

From: Mayer, Eileen [Mayer.Eileen@epa.gov]
Sent: 9/5/2017 3:01:27 PM
To: Gioffre, Patricia [Gioffre.Patricia@epa.gov]
CC: Gerardin, Margaret [Gerardin.Margaret@epa.gov]; Jacob, Sicy [Jacob.Sicy@epa.gov]
Subject: RE: Draft Update on CERCLA/ EPCRA Reporting Requirements for Air Release of Hazardous Substances from Animal Waste at Farms
Attachments: Update on Next Steps for CERCLA EPCRA Reporting for Farms EM Edits.docx

Would something like this work?

Eileen M. Mayer
Web Editor-in-Chief ([EPCRA](#), [RMP](#), [Oil Spills Regulations](#), and [Emergency Response](#))
Office of Emergency Management
U.S. Environmental Protection Agency

From: Gioffre, Patricia
Sent: Tuesday, September 05, 2017 10:33 AM
To: Mayer, Eileen <Mayer.Eileen@epa.gov>
Cc: Gerardin, Margaret <Gerardin.Margaret@epa.gov>; Jacob, Sicy <Jacob.Sicy@epa.gov>
Subject: FW: Draft Update on CERCLA/ EPCRA Reporting Requirements for Air Release of Hazardous Substances from Animal Waste at Farms

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202-748-7139 (cell)

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From: Gioffre, Patricia
Sent: Tuesday, September 05, 2017 10:23 AM
To: Earl Salo <Salo.Earl@epa.gov>; Swenson, Erik <Swenson.Erik@epa.gov>; Ziegel, Dean <Ziegel.Dean@epa.gov>; Franklin, Kathy (<Franklin.Kathy@epa.gov> <Franklin.Kathy@epa.gov>; Sullivan, Tim <Sullivan.Tim@epa.gov>; Barbara Hostage (<Hostage.Barbara@epa.gov> <Hostage.Barbara@epa.gov>; Christopher Prins (<Prins.Christopher@epa.gov> <Prins.Christopher@epa.gov>; William Noggle (<Noggle.William@epa.gov> <Noggle.William@epa.gov>; Beasley, Lynn <Beasley.Lynn@epa.gov>

Cc: Jacob, Sicy <Jacob.Sicy@epa.gov>; Hull, George <Hull.George@epa.gov>; Jennings, Kim (Jennings.Kim@epa.gov) <Jennings.Kim@epa.gov>

Subject: Draft Update on CERCLA/ EPCRA Reporting Requirements for Air Release of Hazardous Substances from Animal Waste at Farms

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Much thanks to Sicy and George for drafting this document!

Patty Gioffre
USEPA (OLEM/OEM)
1200 Pennsylvania Ave. NW (5104A)
Washington, DC 20460
202-564-1972
202-748-7139 (cell)

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Message

From: Mayer, Eileen [Mayer.Eileen@epa.gov]
Sent: 9/5/2017 2:43:38 PM
To: Gioffre, Patricia [Gioffre.Patricia@epa.gov]
CC: Gerardin, Margaret [Gerardin.Margaret@epa.gov]; Jacob, Sicy [Jacob.Sicy@epa.gov]
Subject: RE: Draft Update on CERCLA/ EPCRA Reporting Requirements for Air Release of Hazardous Substances from Animal Waste at Farms

Hi Patty,

I'll take a closer look, but on first glance, this doesn't meet the writing standard for the web. Sentences should be no longer than about 25 words (27 words is really the hard cut off) and paragraphs should be no longer than 75 words, though we can fudge it a bit by using bullets, which can be done in the second paragraph. Do your folks want to take a stab at revising based on these rules, or should I?

The best place for this information will likely be a new web page. I'll probably have to notify OLEM of the new text.

Eileen M. Mayer
Web Editor-in-Chief ([EPCRA](#), [RMP](#), [Oil Spills Regulations](#), and [Emergency Response](#))
Office of Emergency Management
U.S. Environmental Protection Agency

From: Gioffre, Patricia
Sent: Tuesday, September 05, 2017 10:33 AM
To: Mayer, Eileen <Mayer.Eileen@epa.gov>
Cc: Gerardin, Margaret <Gerardin.Margaret@epa.gov>; Jacob, Sicy <Jacob.Sicy@epa.gov>
Subject: FW: Draft Update on CERCLA/ EPCRA Reporting Requirements for Air Release of Hazardous Substances from Animal Waste at Farms

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Thanks.

Patty Gioffre
US EPA/OLEM/OEM
202-564-1972
202-748-7139 (cell)

[Follow OLEM](#) on Twitter @EPALand

From: Gioffre, Patricia
Sent: Tuesday, September 05, 2017 10:23 AM

To: Earl Salo <Salo.Earl@epa.gov>; Swenson, Erik <Swenson.Erik@epa.gov>; Ziegel, Dean <Ziegel.Dean@epa.gov>; Franklin, Kathy (Franklin.Kathy@epa.gov) <Franklin.Kathy@epa.gov>; Sullivan, Tim <Sullivan.Tim@epa.gov>; Barbara Hostage (Hostage.Barbara@epa.gov) <Hostage.Barbara@epa.gov>; Christopher Prins (Prins.Christopher@epa.gov) <Prins.Christopher@epa.gov>; William Noggle (Noggle.William@epa.gov) <Noggle.William@epa.gov>; Beasley, Lynn <Beasley.Lynn@epa.gov>

Cc: Jacob, Sicy <Jacob.Sicy@epa.gov>; Hull, George <Hull.George@epa.gov>; Jennings, Kim (Jennings.Kim@epa.gov) <Jennings.Kim@epa.gov>

Subject: Draft Update on CERCLA/ EPCRA Reporting Requirements for Air Release of Hazardous Substances from Animal Waste at Farms

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Much thanks to Sicy and George for drafting this document!

Patty Gioffre
USEPA (OLEM/OEM)
1200 Pennsylvania Ave. NW (5104A)
Washington, DC 20460
202-564-1972
202-748-7139 (cell)

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Message

From: Jacob, Sicy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6444719F31D44818AFB6BDD6369735BC-SJACOB]
Sent: 4/13/2018 7:52:32 PM
To: Jennings, Kim [Jennings.Kim@epa.gov]
Subject: RE: Follow-up on EPCRA Revised Q&As

Hi, any status on the Q &A or the Guidance? I am like you, want to print it so I can take it with me for reference (not going to say anything) but would like to have it.

Personal Matters / Ex. 6

Personal Matters / Ex. 6

*Sicy Jacob
Chemical Engineer
Regulations Implementation Division
Office of Emergency Management
U.S. EPA, MailCode 5104A
1200 Pennsylvania Avenue, NW
Washington DC 20004
(202) 564-8019*

From: Jennings, Kim
Sent: Friday, April 13, 2018 12:27 PM
To: Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Subramanian, Hema <Subramanian.Hema@epa.gov>; Thomas, Latosha <Thomas.Latosha@epa.gov>; Jacob, Sicy <Jacob.Sicy@epa.gov>; Swenson, Erik <Swenson.Erik@epa.gov>; ODea, Elise <odea.elise@epa.gov>; Lewis, Jen <Lewis.Jen@epa.gov>; Franklin, Kathy <Franklin.Kathy@epa.gov>; Principe, Vanessa <Principe.Vanessa@epa.gov>; Cooperstein, Sharon <Cooperstein.Sharon@epa.gov>; Cogliano, Gerain <Cogliano.Gerain@epa.gov>; Taylor, Trish <Taylor.Trish@epa.gov>; Harwood, Jackie <Harwood.Jackie@epa.gov>
Subject: RE: Follow-up on EPCRA Revised Q&As

I see some are still reviewing the Q and As. Please let me know when you are done and I will clean them up and send them to Barry, Steven, et al.

Thanks,
Kim

Kim Jennings
Division Director || Regulations Implementation Division
U.S. Environmental Protection Agency || Office of Emergency Management
E-mail: jennings.kim@epa.gov || Desk: (202) 564-7998 ||

From: Gioffre, Patricia
Sent: Thursday, April 12, 2018 3:47 PM
To: Subramanian, Hema <Subramanian.Hema@epa.gov>; Thomas, Latosha <Thomas.Latosha@epa.gov>; Jacob, Sicy <Jacob.Sicy@epa.gov>; Swenson, Erik <Swenson.Erik@epa.gov>; ODea, Elise <odea.elise@epa.gov>; Lewis, Jen <Lewis.Jen@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>; Franklin, Kathy <Franklin.Kathy@epa.gov>; Principe, Vanessa <Principe.Vanessa@epa.gov>; Cooperstein, Sharon <Cooperstein.Sharon@epa.gov>; Cogliano, Gerain <Cogliano.Gerain@epa.gov>; Taylor, Trish <Taylor.Trish@epa.gov>; Harwood, Jackie <Harwood.Jackie@epa.gov>
Subject: RE: Follow-up on EPCRA Revised Q&As

Following up on today's meeting with Next Steps.

- Any last comments on the FARM Act Q&A and Routine Ag Ops Q&A (available at the following link: https://usepa.sharepoint.com/:f:/r/sites/OLEM_Work/cercla_epcra/Animal%20Waste%20Website/4-11-18%20EPCRA%20Q%26As?csf=1&e=AO2bbw) by 10:00 am on Friday the 13th.
- Revisions to website: OGC will review after all others.
Link to current version of the revised animal waste website:
https://usepa.sharepoint.com/:w:/r/sites/OLEM_Work/cercla_epcra/Animal%20Waste%20Website/Animal%20Waste%20Website%204-18_revisions.docx?d=wc16e091029e64021a332231ef9e2317e&csf=1&e=mMcUaj
- OGC will reach out to DOJ on review/comments. Once we hear back, Sharon will talk to Bill Nickerson on next steps for reaching out to OMB
- Latosha is drafting a communication planning tool.

Please chime in if there is something that I missed.

Patty Gioffre
USEPA/OLEM/OEM/RID
202-564-1972
202-748-7139 (cell)

-----Original Appointment-----

From: Gioffre, Patricia

Sent: Wednesday, April 11, 2018 1:03 PM

To: Gioffre, Patricia; Subramanian, Hema; Thomas, Latosha; Jacob, Sicy; Swenson, Erik; ODea, Elise; Lewis, Jen; Jennings, Kim; Franklin, Kathy (Franklin.Kathy@epa.gov); Principe, Vanessa; Cooperstein, Sharon; Gerain Cogliano; Taylor, Trish; Harwood, Jackie

Subject: Follow-up on EPCRA Revised Q&As

When: Thursday, April 12, 2018 1:30 PM-2:30 PM (UTC-05:00) Eastern Time (US & Canada).

Where: WJC North 6528 / **Conference Number / Ex. 6**

This meeting is to follow-up on the next steps on the EPCRA Q&A.

Agenda:

- Discuss edits to the Q&As as currently drafted
- Website revisions
- Follow-up on OMB review
- Communications

EPCRA Q&As are available at:

https://usepa.sharepoint.com/:f:/r/sites/OLEM_Work/cercla_epcra/Animal%20Waste%20Website/4-11-18%20EPCRA%20Q%26As?csf=1&e=AO2bbw

Adobe Connect for those working remotely:

<http://epawebconferencing.acms.com/oemrid/>

Patty Gioffre
Deputy Director
Regulation Implementation Division
USEPA Office of Emergency Management

202-564-1972
202-748-7139 (cell)
